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THE

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JANUARY-OCTOBER
1928

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RALEIGH, N. C.

The North Carolina Historical Review

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This review was established in January, 1924, as a medium of publication and discussion of history in North Carolina. It is issued to other institutions by exchange, but to the general public by subscription only. The regular price is $2.00 a year. To members of the State Library and Historical Association there is a special price of $1.00 a year.

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THE NORTH CAROLINA HISTORICAL REVIEW

VOLUME V JANUARY, 1928 NUMBER 1

THE PRESERVATION OF ALABAMA HISTORY[1]

By MITCHELL B. GARRETT

For a long time the people of Alabama, like the people of other Southern States, were heedless of their past and indifferent toward the preservation of their historical records. Subduing the forests, tilling the rich virgin soil, fortifying against the attacks of savages and wild beasts, bettering their financial condition—these were the chief concern of the pioneers and early settlers. But by 1845 the broad margin of the frontier had receded; better roads, better dwellings and better schools had come into being; and a period of prosperity seldom equaled in the annals of any country had dawned. There was leisure now for social intercourse, for reading, investigation, writing, and for literary entertainment. Obviously the time was propitious for writing the history of the State, but where were the materials from which the fabric of that history could be woven?

The first essay at writing Alabama history was made by Albert James Pickett, who undertook to cover the period from the earliest times to the admission of the State into the Union in 1819. Taking up his pen in 1847, he soon found the task so beset with difficulties that he was "sometimes almost resolved to abandon the attempt." "I have sought materials for a correct

[1] The information for this paper has been gleaned from the following: *Transactions of the Alabama Historical Society* (Tuscaloosa, Alabama, 1898, 1899, 1904, 1906), Volumes II-V, edited by Thomas M. Owen; *Report of the Alabama History Commission, 1900* (Montgomery, 1901); *History of Alabama and Dictionary of Alabama Biography* (Chicago, 1921), 4 volumes, by Thomas M. Owen; *The Establishment, Organization, Activities and Aspirations of the Department of Archives and History of the State of Alabama* (Montgomery, 1904), Bulletin No. 1, by the Director; *Laws Governing the Department of Archives and History* (Montgomery, 1907), Bulletin No. 4, compiled by the Director; *Alabama State Department of Archives and History . . . . Organization, Activities, Aspirations* (Montgomery, 1910), Leaflet 1; *Alabama State Department of Archives and History . . . . Research, Extension and Reference Service* (Montgomery, 1915), Leaflet 5. To Mr. Peter Brannon, Curator of the Department of Archives and History, Montgomery, Alabama, I am also indebted for suggestions and sympathetic interest.

history of my country," he tells us in his preface, "wherever they were to be procured, whether in Europe or America, and without regard to cost or trouble. All the Atlantic States have Historical Societies, and books and manuscripts relating to those states have been collected. In addition to this, agents have been sent to Europe by different Legislatures, who have transcribed the colonial records which relate to their history. I have had none of these aids. I have been compelled to hunt up and buy books and manuscripts connected with the history of Alabama, and to collect oral information in all directions. I rejoice, however, to know that a Historical Society has recently been formed at Tuscaloosa by some literary gentlemen, and it gives me pleasure to reflect that the authors who may appear after my day, will not be subjected to the labor which it has been my lot to undergo."

The historical society to which Pickett refers owed its existence to the versatile genius of Dr. Basil Manly, prominent Baptist minister and president of the University of Alabama. In the spring of 1850 he addressed numerous letters to prominent citizens throughout the State, urging the importance of organizing an historical society, and announced a meeting in connection with the commencement exercises of that year. In response to his call, a number of representative men convened on July 8, 1850, in the old Federal court room at Tuscaloosa. Dr. Manly, in the address of the occasion, explained the objects of the proposed society, read a constitution which he had prepared, and suggested the enrollment of members. The constitution was adopted without change, forty-six members were enrolled, and officers for the ensuing year were elected: *President,* Alexander Bowie, of Talladega, eminent judge and trustee of the University; *First Vice President,* Col. Albert J. Pickett, of Montgomery, wealthy planter and historian; *Second Vice President,* Gen. E. D. King, of Perry County, wealthy planter and trustee of the University; *Secretary,* Joshua H. Foster, tutor of mathematics in the University; *Executive Committee,* Judge John J. Ormond, Dr. Basil Manly, Professor Michael Tuomey, Professor L. C. Garland, and Bishop N. H. Cobbs.

Thus was organized the Alabama Historical Society, the object of which, as declared in the constitution, was "to discover, procure, preserve, and diffuse whatever may relate to the natural, civil, literary and ecclesiastical history of the State of Alabama, and of the States in connection with her." The report of the Executive Committee in 1851, prepared by Joshua H. Foster, adds the following amplification: "The plan of our operations is one of vast magnitude, and the materials to be collected of almost endless variety. No one department of human research confines our system. It covers every subject of the natural history of the State in the animal, vegetable and mineral kingdoms. It spreads its wide embrace to receive the record of every important event, either past, or now transpiring, in our civil, religious, social and individual history."

The first annual meeting was held on July 14, 1851, at the University of Alabama, and for about ten years thereafter, with more or less regularity, these meetings were held chiefly during the commencements. On February 5, 1852, the Society was incorporated by act of the General Assembly.

During the first five years of its existence, Dr. Manly was the animating spirit of the Society, encouraging, complaining, persuading. In a letter dated September 20, 1850, he urges Judge Bowie to "prepare a minute account of the battles & other Indian memorials associated with Talladega; the history of the county, & town:—engage the Pastors to gather & arrange the facts about the churches; & every other matter can be equally well provided for." In the same letter he says: "Moody has been engaged to prepare the history of Tuscaloosa & its vicinity,—beginning with the first settlements, the organization of the county, Indian memoirs of all kinds, the churches—& *everything* —even to the 'gullies'—those great sores of the municipal body. This will begin at the right place, at home; and may furnish a specimen of what we wish in regard to other places . . . . Curry[2] must employ his elegant pen, & his accurate research for us." Other letters went forward to persons in many of the leading counties, asking for county and town histories.

[2] J. L. M. Curry, son-in-law of Judge Bowie, who lived at Talladega.

But the results were discouraging. "Moody," he writes in 1852, "has had the history of the county to write for our historical Society, *for two years*. He undertook it, promised to do it; and I don't believe that he has written a line, or made one memorandum." "I know of no way to rouse any body, not under my authority, which has not already been tried, to no purpose. And I do seriously fear that the whole affair will come to the ground." In 1853 he again writes to Judge Bowie: "Applications for county histories, town-histories, &c. &c.—have failed. The committee, itself, would never meet,—if I did not go around & remind them, & drum them up. Such has been the feeble state of my health, all this year, that I have often omitted that;—and then there had been no meeting . . . . But, I will say no more to discourage you.—Do the best you can, toward the history of your county;—Select all the most inspiring topics, the battles, sieges, escapes, adventures;—clothe them in your very felicitous style—and come along. We shall all perhaps be inspired with new zeal,—by your presence & example."

In 1855 Dr. Manly resigned the presidency of the University and left the State. Until the outbreak of the Civil War, the Society continued to meet annually at Tuscaloosa to listen to an "address" or to transact "business," but little was accomplished. At the instance of Professor Tuomey, it is true, a history of Blount County had been written by a certain George Powell and published by the Society as a brochure of some thirty-five printed pages; but the "collections" of the Society consisted of nothing more than the current newspapers of the State, generously contributed by intelligent editors and proprietors, a few old books of no great value, and a small collection of fossils and Indian relics. These were stored down town in the law office of the Secretary, James M. VanHoose, which consisted of two large rooms, a small room, a hall and a large back yard. In 1862 a company of Confederate soldiers found in these rooms comfortable barracks and used the valuable collection of newspapers to start the winter fires!

Twelve years later, when the period of war and reconstruction was ended, Joshua H. Foster, now professor of moral philosophy in the University, sought out the last Secretary, Col. VanHoose,

and, with his consent, gathered up the remaining books and papers of the Society and placed them in the University library for safe keeping. Not long thereafter, June 20, 1874, the Society was revived and reorganized. Increasing interest added to the membership, and many historical contributions were received, read and filed for publication.

At the annual session in 1878 it was resolved to hold monthly meetings for the accommodation of those who had papers to read. This suggested to the Secretary, John Snow, a successful business man, the feasibility of publishing a monthly periodical entitled the *Alabama Historical Reporter,* containing the minutes or proceedings of the Society and such other materials as might be pertinent. The project turned out to be fairly successful. Snow guaranteed the expense of publication and Walter Guild did the editorial work. Under these auspices the *Reporter* was extensively circulated throughout the country and soon brought the Society in touch with those of other states. Many valuable periodicals and publications were received in exchange from the societies of Massachusetts, New York, Wisconsin, Virginia, Tennessee and Georgia.

But this success was of no long duration. By the end of 1885 the *Historical Reporter* had ceased to appear even at irregular intervals, and attendance at the monthly meetings of the Society had reached the vanishing point. The Society continued to maintain a nominal existence; but the minutes, the subscription book, and the official accounts were misplaced and have never been recovered.

At the annual meeting on June 21, 1898, there was a substantial revival of interest, due to the *entree en scene* of Thomas McAdory Owen, who was destined to do more for the preservation of Alabama history than any other man or group of men had ever done. Deeply interested in history from childhood, with a penchant for collecting things, he had already published, while resident in Washington, D. C., a *Bibliography of Alabama* and a *Bibliography of Mississippi,* and had helped to organize the Southern Historical Society. Lawyer by profession and affable gentleman by instinct, he compiled briefs and made friends in the day time and meditated on history at night. The revival of

the Alabama Historical Society naturally occurred to him, and at his personal instance several papers were prepared in the spring of 1898 for the next annual meeting. In June, coming up to the commencement of the University, his *alma mater,* with these papers in his hand and a plan of procedure in his head, he induced Dr. W. S. Wyman, professor of Latin in the University and Vice President of the Society, to call the meeting to order.

Accordingly the Society met in Clark Hall, with Dr. Wyman in the chair. The Secretary, Col. R. A. Hardaway, being conveniently absent, Thomas M. Owen was designated to act. In the absence of a program, and no special order of business being suggested, Mr. Owen announced the papers which he had in hand and expressed his conviction that the cultured people of Alabama would eagerly co-operate with the Society if they could feel that their efforts would be fruitful. He thought the General Assembly could be induced to lend its aid if the subject were properly put before it. As a plan of procedure, he recommended and secured the adoption of the following resolutions:

"Whereas, The objects and work of the Alabama Historical Society can best be promoted by the plans hereinafter set forth, therefore be it resolved,

1. That the Secretary be and is hereby instructed and empowered to use all possible endeavor to build up the membership of the Society, to disseminate information as to its objects and work, and generally to further its interests and manage its affairs.

2. That he is hereby empowered to nominate, enroll and issue certificates to persons as members, resident, corresponding or honorary, who have the qualifications prescribed and who comply with the rules of the organization.

3. That he shall cause to be published, irrespective of previous publication by the Society, the proceedings of its several meetings from its organization to and including the annual meeting of 1897, together with all of the articles and papers heretofore presented, or collected, the latter to be carefully edited, which shall form Vol. I of the *Transactions.*

4. That he shall cause the proceedings and papers of this annual meeting to be carefully edited and published, together with such other papers, or documents, as he may deem advisable, which shall form Vol. II of the *Transactions,* etc.

5. That in carrying out these resolutions he shall be authorized to make all such expenditures for stationery, postage, print-

ing and binding, and clerical assistance, as he may deem necessary."

Thus the Secretary was to become, to all intents and purposes, the Society; and Thomas M. Owen was very properly elected to this responsible position. The other officers elected for the ensuing year were: *President*, Joseph Forney Johnston, Governor of Alabama; *Vice Presidents*, William LeRoy Broun, President of A. & M. College, Auburn; Col. Martin Luther Stansel, of Carrollton; Edward LaFayette Russell, of Mobile; Thomas Chalmers McCorvey, Professor of History and Philosophy, University of Alabama; and Peter J. Hamilton, of Mobile. *The Executive Committee*, in addition to the Secretary and the above named officers: Dr. William Stokes Wyman, Professor of Latin, University of Alabama; Dr. James Knox Powers, President of the University of Alabama; Dr. James Hill Foster, of Tuscaloosa; James Harris Fitts, of Tuscaloosa; and Judge James Jefferson Mayfield, of Tuscaloosa.

During the ensuing year, Mr. Owen, while still maintaining his law practice at Carrollton, devoted a good share of his superabundant energy, without compensation, to promoting the interests of the Historical Society. He wrote hundreds of letters, and made appeals personally and through the press, to the people of the State and elsewhere, for support and encouragement. By his influence, he secured from the General Assembly of the State an annual appropriation of $250 for two years to aid the Society in the publication of its transactions and papers. At his instance, too, another act was passed "To provide for the appointment of an Alabama History Commission," to consist of five persons, to be selected from the membership of the Society. The act provides that it shall be the duty of the Commission—

"Under such rules, regulations and plan of procedure as it may adopt, and without compensation, to make a full, detailed and exhaustive examination of all the sources and materials, manuscript, documentary and record of the history of Alabama from the earliest times, whether in domestic or foreign archives or repositories, or in private hands, including the records of Alabama troops in all wars in which they have participated, and also of the location and present condition of battlefields, historic houses and buildings, and other places and things of historic interest and importance in the State, and the said Commission

shall embody the result of said examination in a detailed report to the Governor of Alabama prior to the next ensuing session of the General Assembly, with an account of the then condition of historical work in the State and with such recommendations as may be desirable . . . . And the Governor shall submit said report to the ensuing session of the General Assembly with a plan for permanently fostering historic interest and the preservation of the records, archives and history of the State."

On this Commission the Governor appointed Thomas M. Owen, Dr. W. S. Wyman, Col. Sam Will John of Birmingham, Peter J. Hamilton of Mobile, and Professor Charles C. Thach of Auburn.

At the annual meeting of the Society on June 19, 1899, the Secretary reported his activities and received a unanimous and enthusiastic vote of thanks.

On the same day, June 19, 1899, the Commission held its first formal session, at the University, in the lecture room of Dr. Wyman. There were present Dr. Wyman, Professor Thach and Mr. Owen. Messrs. John and Hamilton, the remaining members, were detained at home on account of important business engagements. After a prolonged but informal discussion of the work, its purposes, importance and far-reaching scope, Mr. Owen as chairman submitted a tentative outline of the matters proposed to be covered by the researches:

"Formal Report to the Governor. (With recommendations)

Part I. An account of Manuscripts, Papers and Documents pertaining to Alabama in Official Repositories beyond the State.

1. Foreign Offices: 1.—British Archives; 2.—French Archives; and 3.—Spanish Archives.

2. Federal Offices: 1.—War Department; 2.—State Department; 3.—Navy Department; 4.—Interior Department (Patent Office, Land Office, Indian Affairs, Bureau of Education, etc.); 5.—Treasury Department; 6.—Post Office Department; 7.—Department of Justice; and 8.—The Offices of the Clerk of the H. of R. and of the Secretary of the Senate.

3. Adjacent States: 1.—Tennessee; 2.—Georgia; 3.— Louisiana; 4.—Florida; 5.—Mississippi.

Part II. An account of Manuscripts, Papers and Documents in Official Repositories within the State of Alabama.

1. Executive Offices: 1.—Governor; 2.—Secretary of State; 3.—Auditor; 4.—Treasurer; 5.—Superintendent of Education; 6.—Board of Health; 7.—Convict Inspectors; 8.—Attorney Gen-

eral; 9.—Superintendent of Agriculture; 10.—R. R. Commission; 11.—Clerk of the Sup. Ct.; 12.—Sup. Ct. Reporter; and 13.—Adjutant General.

2. County Offices. (To include descriptions of all county records.)

3. Municipalities. (To include an account of the municipal records of the principal Alabama towns, as Mobile, Montgomery, Birmingham, et al.)

4. Educational Institutions. (To include an account of the source material for a history of primary education, and of the records, etc., of the University of Alabama, Polytechnic Institute, et al.)

5. Church Organizations. (To include an account of the records of the different denominations, and of individual churches.)

6. Benevolent Institutions. (To include general Masonic Records, Temperance Societies, etc.)

Part III. An Account of Manuscripts, Papers and Documents in Private Hands.

1. Literary Remains of Public Characters. (To include papers left by Hawkins, Crowel, McKee, et al.)

2. Libraries and Societies.

3. Private Collectors and Students. (To include an account of collections made by Pickett, Brewer, Draper, et al.)

Part IV. War Records of Alabama. (To comprise accounts of Alabama war records in the offices of the U. S. Secretary of War and Adjutant General of the State, and in Private Hands.)

Part V. Aboriginal and Indian Remains, etc. 1.—Prehistoric Works; 2.—Indian Tribal Boundaries; 3.—Tribal Territorial Subdivisions; 4.—Town and Village Sites; 5.—Trails and Roads.

Part VI. Points and Places of Historic Interest in Alabama: 1.—Forts and Stockades; 2.—Battle Fields; 3.—Historic Houses; 4.—Historic Places not Otherwise Classified (as place of Burr's capture in Alabama); 5.—Places of Birth and Interment of Persons Prominent in Alabama History; and 6.—Scenes in Alabama History, and Portraits or Likenesses of Eminent Alabamians."

After careful and critical examination, this outline was agreed upon by the Commission, and assignments of the different parts of the work were made to the members. The chairman then issued a circular statement and appeal to the public, of which the following is an extract:

"This report will indicate fully and in detail *what* material is in existence, and *where* it is to be found, with notes on its probable value, accessibility, extent, etc. . . . . The Commission now appeals with confidence to students and scholars everywhere, and especially to public spirited Alabamians, for aid and cooperation. . . . . Hid away in old trunks, drawers, book-cases, and chests, are numbers of manuscript treasures: private letters, letter books, diaries or journals, weather notes, manuscript maps, account books, surveyor's note and field books, etc. In the hands of participants, or their descendants, in the Indian Wars, the Texan and Mexican Wars, and the late War Between the States, are doubtless to be found valuable letters, journals of campaigns, and rolls of various commands, as well as mementoes of these struggles. The location, extent and present ownership of all such material is earnestly desired; and if possible a gift of the same to the Historical Society."

By the end of 1900 the task set for the History Commission was all but completed. Though Peter J. Hamilton, Sam Will John, O. D. Street and a few others made small contributions, the bulk of the work devolved upon Thomas M. Owen[3]. In the Report to the Governor, drafted by Mr. Owen, the Commission recommends—

"the creation of a Department of Archives and History, charged with the custody of the State official archives, and the collection and creation of a State library, museum and art gallery, with particular reference to the history and antiquities of Alabama, to be under the supervision of a Director. A liberal continuing appropriation should be made to conduct the Department, maintain its official staff, purchase necessary equipment, and otherwise enable it to accomplish the object of its creation. In addition to the accumulation of books, pictures, museum articles, etc., the Director should be charged with the duty of compiling a series of State archives as hereinafter recommended. To the Department could also be committed the matter of marking historic sites, etc. As there would be no necessity for two collections, the accumulation of the Historical Society so far made, could properly form the nucleus of the collection of the Department, and thereafter the functions of the former as a collecting agency should cease."[4]

[3] *Report of the Alabama History Commission, 1900* (Montgomery, 1901), pp. 447.

[4] It was the intention of the History Commission that the existence of the Historical Society should "continue (1) for the purpose of stimulating interest in the various parts of the State through its membership, (2) to provide a body of students for regular meetings for historical discussion, (3) to facilitate the accumulation of historical objects, and (4) to raise additional funds for publication." But the Society was soon to sing its *Nunc Dimittis*. The headquarters were removed to Montgomery in 1901, and the time of meeting was changed from the middle of June to the end of December. In 1905, by consent of its members, the Society ceased to function as a separate organization, its activities being taken over by the Department of Archives and History.

On receipt of the Report, Governor William J. Samford transmitted a special message to the General Assembly urging the establishment of the department recommended. In the Senate William D. Jelks, D. J. Meador and Hugh Morrow, and in the House of Representatives Richard H. Clark, William W. Brandon, Henry B. Foster and William B. Bankhead were conspicuous in advocacy. The bill became law on February 27, 1901. On March 2 following, the new department began to function in the cloak room of the Senate Chamber, with Thomas M. Owen as Director and his sister, Miss Dolly Owen, as his devoted secretary.

"This step," says an authority, "was the first known recognition and application of the principles of public support of archive preservation and history work and enterprise through a separate bureau, commission or department of State, located in the capitol, and administered by a State official regularly chosen and required to devote his entire time to his duties. This plan is altogether the creation of Dr. Owen, and it was his unique good fortune to be both the pioneer, maker and perfector of a great institutional advance in American government and political science."[5]

The act of creation prescribed the objects and purposes of the Department as "the care and custody of official archives, the collection of materials bearing upon the history of the State, and the territory included therein, from the earliest times, the completion and publication of the State's official records and other historical materials, the diffusion of knowledge in reference to the history and resources of the State, the encouragement of historical work and research, and the performance of such other acts and requirements as may be enjoined by law."

"The care and custody of official archives" involved the assortment, arrangement, labeling, filing, indexing and cataloguing of all that vast body of official records, preserved and not in current use, which has been accumulating at the capitol since the formation of the Territorial government in 1817.

The Territorial capitol of Alabama was St. Stephens. Here were located the offices of the Governor, Secretary of State,

[5] *The South in the Building of the Nation*, XII, 244-245.

Auditor, Treasurer, and Attorney General. Here was also the place of meeting of the two sessions of the Legislative Council and the House of Representatives, the first from January 19 to February 14, 1818, and the second, from November 2 to November 21, 1818. The second and last session located the permanent seat of government at Cahaba but made Huntsville the temporary seat "until suitable buildings and accommodations can be provided at the town of Cahaba." The same act further provided, "that all officers, who are required by law to keep their offices at the seat of government, shall be allowed until the meeting of the Convention, or next Legislature, to remove the same to Huntsville, and the necessary expenses of the removal of the public seal, books, records and papers shall be defrayed by the Territory." On June 26, 1819, the *Alabama Republican* carried this brief news item: "His Excellency, Governor Bibb, arrived in Huntsville on Monday last. The Secretary of the Territory is daily expected, and the public records, etc. have already arrived here, where they will remain while this place continues to be the seat of government."

From Huntsville the records were transferred to Cahaba and from Cahaba to Tuscaloosa, all in a period of six years. What loss resulted from this constant transportation from place to place and from improper storage can only be surmised. Tuscaloosa remained the capital for twenty years, 1826-1846. Then the public records were again on wheels. Packed in 113 boxes, loaded in 13 wagons, weighing 26,704 pounds, they were carried overland to Montgomery, the new capital, at a cost of $1,325. Three years later, December 14, 1849, the new capitol building burned to the ground. The fire originated in the roof over the House of Representatives. The combined efforts of the heads of the departments, the legislators and citizens saved the public records and other property in the basement and on the second floor, but because of the intense heat the contents of the State library on the third floor could not be saved, and its fine collection of early documents was destroyed.

Since 1849 there has been no destructive fire at the capitol, and public records have normally accumulated in large quantities, and with the multiplication of offices they have still further

increased. The most interesting and valuable are those originally preserved in the Chief Executive Department, and the offices of the Secretary of State, the Auditor, the Treasurer and the Adjutant General. These consist of correspondence received, letter-press copy books, legislative records, constitutional convention records, elections, census returns, pardons, land records and maps, civil official registers, bonds, incorporations, military registers, pension records, vouchers, records of Alabama troops in the Indian troubles of 1836, the Mexican War, the War Between the States, etc. As fast as these records cease to be in current use in the various departments, they are now transferred to the Department of Archives and History, where they are cared for and made available to students for consultation.

The provision in the act of creation for "the completion and publication of the State's official records" has resulted in a plan for the compilation and publication of twelve volumes of State papers:

Volume I.—Fundamental charters, proclamations, acts of Congress, and constitutions, which affect the territory now embraced in Alabama, from the earliest times to the present.

Volume II.—Documents and papers connected with Spanish explorations and occupation of what is now Alabama, 1507-1813.

Volume III.—Documents and papers connected with French occupation, 1699-1763.

Volume IV.—Documents and papers connected with English occupation, 1763-1783.

Volume V.—Mississippi and Alabama Territorial documents, 1798-1819.

Volume VI.—Governors' messages, 1818-1904.

Volume VII.—Miscellaneous State documents: Banks and Finance, University, Schools, Boundaries, Indians, Internal Improvements, Slavery, etc., etc., 1818-1900.

Volume VIII.—Census and population statistics, 1800-1900.

Volume IX.—Official register, 1800-1900. (To include full roster of all State and county officials.)

Volume X.—Counties and county boundaries, 1800-1900. (To include in full acts creating, or changing names, establishing or changing county sites, or altering boundaries.)

Volume XI.—Abstracts of the records of the counties of Alabama, 1800 to 1819. (To include early deeds, wills, marriage records, etc.)

Volume XII.—War records. (To embrace (1) a reprint of the rolls of Revolutionary pensioners who lived in Alabama; (2) Rosters of commands from Mississippi, Georgia, Tennessee, North Carolina, and South Carolina, who served in the Creek War, 1813-1814; (3) Rosters and documents of the Indian Wars, 1832-1842; (4) Rosters and documents pertaining to Alabamians in the Texas Wars; (5) Rosters of Alabamians in the Mexican War; (6) Documentary records of Alabama in the War Between the States; and (7) Rosters and documents of Alabama commands in the Spanish-American War.

In addition to the foregoing, the elastic provision is made for the publication of "other historical materials." For inclusion in this miscellaneous class, an Alabama Local History collection is being brought together. It will embrace reminiscent and historical articles of value which have appeared in newspapers and periodicals, relating to counties and towns or other local areas in the State.

Within the scope of "materials bearing upon the history of the State, and the territory included therein, from the earliest times," printed sources have been regarded as of first importance. The Department, from its inception, has devoted every energy to building up a representative collection of books and pamphlets. These materials may be roughly classed as (1) all books whatever, relating to the State or any part of its history; (2) all writings of Alabama authors; (3) official and legislative documents, reports, circulars, bulletins, etc.; (4) municipal or local documents, reports, etc.; (5) religious and church documents and literature; (6) literature of all benevolent institutions; and (7) educational reports, catalogues, announcements, and other documents.

The act of creation further provides (Section 4) that "any State, County or other official is hereby authorized and empowered in his discretion to turn over to the Department for permanent preservation therein any official books, records, documents, original papers, newspaper files, and printed books not in current use in their offices." Some rare and valuable books and files have been collected under this authorization, but no special effort has been made systematically to bring together the materials contemplated in this provision.

The Department, since its establishment, has been receiving about two hundred dailies, weeklies, and irregular issues of the State press. All are carefully arranged, and are made immediately available for use. Dailies are bound in two to four books to the year, and weeklies, three years in one book. In the collection also are several files running consecutively through a long period, and some date prior to the admission of the State into the Union in 1819. There are four or five approximately full files for the years 1861-65.

Persistent appeals have been made to families and others having old letters and manuscripts, to deposit them in the collections of the Department for historical purposes, and also for better preservation. The response has not been general, but several hundred manuscripts have been received.

One of the conspicuous forms of the Department's activity has been the collection and preservation of illustrative historical materials in the form of portraits, views and liknesses of persons and scenes in Alabama history; relics of pioneers and pioneer life, as articles of dress, implements of labor, implements of the chase, and household furnishings; relics and personal belongings of eminent Alabamians, as library desks or tables, chairs, knives, dirks, dueling pistols or other fire arms, stock, knee or shoe buckles, drinking cups, watches, chains, snuff-boxes and canes; war relics, as uniforms, swords, arms and equipment; Indian relics, as pottery, weapons of all kinds, personal ornaments, and so forth.

The Department is under the supervision of a self-perpetuating board of trustees, one from each Congressional district, holding office for six years and without compensation. The general powers and duties of the board are set forth in the act of creation as follows:

"To adopt rules for its own government and also for the government of the Department; to elect a Director, and to provide for the selection or appointment of other officials, or employees, as may be authorized; to provide for the publication of historical material pertaining to the State under the supervision of the Director; to have the direction and control of the marking of historic sites, or houses, and the exploration of prehistoric and Indian mounds and other remains existing in the State; to con-

trol and expend such appropriations as may be made for the maintenance of the Department; and to do and perform such other acts and things as may be necessary to carry out the true intent and purpose of this Act."

The Director holds office for a term of six years, and has "the immediate management and control" of the department. His duties are comprehensively set forth in the act as follows:

"He shall have control and direction of the work and operations of the Department, he shall preserve its collections, care for the official archives that may come into its custody, collect as far as possible all materials bearing upon the history of the State and of the territory included therein, from the earliest times, prepare a biennial register hereinafter provided, diffuse knowledge in reference to the history and resources of the State; and he is charged with the particular duty of gathering data concerning Alabama soldiers in the War Between the States.

"He shall make an annual report to the board of trustees, to be by them transmitted to the Governor, to be accompanied by such historical papers and documents as may be deemed of importance by him, and the Director shall contract for the printing and binding of the said Report, which shall be paid for as other public printing and binding."[6]

The appropriations to the department have been as follows:

Act approved Feb. 27, 1901—Salary of Director		$1,800.00
	Maintenance	700.00
		$2,500.00
Act approved Feb. 13, 1903—Maintenance, including salary of Director		$2,500.00
Act approved Feb. 22, 1907—Salary of Director		$2,500.00
	Stenographer	750.00
Act approved Feb. 8, 1907—Maintenance		3,000.00
		$6,250.00
Act approved Apr. 22, 1911—Salary of Director		$3,000.00
Act approved Mar. 30, 1911—Stenographer		750.00
	Maintenance	5,000.00
		$8,750.00
Act approved Sept. 28, 1915—Director		$3,000.00
	Stenographer	900.00
	Maintenance	6,000.00
		$9,900.00

[6] None of the annual reports of the Director has ever been published.

Act approved Sept. 30, 1919—Salary of Director		$ 3,000.00
	Salary of Chief Clerk	2,000.00
	Maintenance	13,000.00
		$18,000.00
Act. approved Sept. 29, 1923—Salary of Director		$ 4,000.00
	Chief Clerk	2,400.00
	Maintenance	13,000.00
		$19,400.00
Act approved Sept. 9, 1927—Salaries of Director and clerical assistance and maintenance		$27,600.00

Prior to the present administration (Governor Bibb Graves), printing, binding, part of postage, stationery and supplies were allowed to be purchased from special funds for that purpose but now everything comes out of the one appropriation.[7]

Dr. Owen died on March 25, 1920, while serving his fourth term as Director of the Department. His widow, Mrs. Marie B. Owen, was elected as his successor and is still in office.

In promoting the great enterprise to which he devoted the best efforts of his useful life, Dr. Owen performed a distinctive service to his native State and to the cause of history; but many of his aspirations have never been fully realized. The series of historical publications which he planned, notably the State's official records, have never made their appearance in print, and one suspects that this task was never seriously undertaken. No search for material bearing on Alabama history has been made in foreign archives, and the Alabama Local History collection remains incomplete and unpublished. On the other hand, the Legislature in 1907 added library extension to the duties of the Department, and this new duty has been broadly met. The establishment of public and school libraries has been encouraged and assisted, and a system of traveling libraries maintained. For the use of members of the Legislature, State officers and others, a reference collection of current data and material, on subjects deemed of public interest and importance to the people of the State, has been brought together and arranged for consultation. The Department desires to be regarded as a bureau of information on all historical and statistical subjects for the State, and promises prompt and full response, as far as possible, to all inquiries. It aspires to be an uplifting, refining and stimulating force in State life, and in a degree it is meeting these ideals.

[7] Statistical information supplied through the courtesy of Mrs. Marie B. Owen.

SLAVE CONSPIRACIES IN NORTH CAROLINA

By R. H. Taylor

In the slaveholding communities of the ante-bellum South the entire white population labored under a haunting fear of a slave insurrection, a fear which was more pronounced in those communities where the slaves equalled or outnumbered the whites, and this fear rendered both slaveholding and non-slaveholding whites alert in the detection of symptoms of insubordination among slaves. Indeed, so vigilant were the whites in discovering and frustrating slave conspiracies that the majority of the attempts of the slaves to strike a blow at the dominant race failed to materialize; accordingly, very few white people suffered violence in their persons as a result of considered action on the part of slaves and free negroes. In order, however, that there be no occasion for the slaves to think and act in concert for the purpose of fomenting conspiracies and insurrections, a variety of controls were imposed by the State and the community exposed.

It may be said that the disciplinary measures invoked to order the lives of slaves served a two-fold purpose, (1) the control of slave labor, and (2) the prevention of insurrection. Concerning the latter, it should be observed, first of all, that the whites instituted a system of patrols for keeping the slaves within those bounds recognized as legitimate by statutory law and plantation rules. While there was as early as 1729 a law prescribing a punishment of forty lashes for negroes who traveled at night without a pass,[1] the law of searchers (later called patrols) was not inaugurated until 1753. By virtue of an act of the General Assembly in that year, the justices of the county courts were given discretionary power to appoint three freeholders as searchers in each county. The searchers were to serve under oath to search the negro quarters four times a year and oftener if necessary for "guns, swords, and other weapons."[2] In 1779 the law of searchers was revised in the interest of securing search-

[1] *Iredell's Revisal of the Public Acts of the General Assembly of North Carolina*, ch. 5.
[2] *Ibid.*, ch. 6.

ers who would discharge their duties diligently. The revised statute required searchers to search for weapons once a month and report their findings to the county court. In addition, they were to apprehend all slaves found off their masters' plantations without a pass. The position of patrolman must have gone begging, for, besides the inducements to serve, such as exemption from the payment of county taxes,[3] one incurred a fine of £100 for refusing to serve. An act of 1794 required more frequent inspection of negro quarters and empowered patrols to inflict punishment, not exceeding fifteen lashes, on all slaves found off their owners' premises without a written pass. For purposes of inspection, a county was divided into districts to which a number of patrolmen were assigned.[4]

As a rule, patrolmen were derelict in the performance of their duties; hence, the evils which the system was designed to correct continued to exist in greater or lesser degree. So patent were these evils on occasion that the editor of the *Raleigh Standard* rather pertinently inquired whether the county courts were performing their duty in appointing patrolmen once a year.[5] Rumors of slave uprisings or the presence of runaway slaves in a community served to arouse the patrols to activity, but under ordinary circumstances they were content to "let well enough alone." As a system of police the patrols were deemed adequate except when an emergency required extraordinary measures.

To take care of extreme cases requiring prompt and vigorous action, provision was made for calling out the State militia on the shortest possible notice. A law, which was doubtless a repercussion of the negro insurrection in San Domingo, made it the duty of any two justices of the peace "who shall know or have reason to believe that a conspiracy among the slaves or free negroes to promote insurrection exists" to issue an order to the sheriff of the county to summon the magistrates of the county to meet at the courthouse on a day "fixed by said order." Upon assembling, if a majority of the magistrates were of the opinion that a conspiracy existed, the governor was to be informed immediately by express. Thereupon it became the duty of the gov-

[3] *Ibid.*, ch. 7.
[4] *Revisal of the Laws of North Carolina, 1821*, ch. 406.
[5] *Raleigh Standard*, Nov. 6, 1850.

ernor to call out a patrol of militia and instruct the commanding officer.[6] In order to avoid the delay occasioned by making application to the governor, the General Assembly in 1830-31 passed a law authorizing seven justices of the peace to require in writing of the commanding officer that he call out the militia in cases of insurrection.[7]

The placing of sharp restrictions upon the congregating of slaves in considerable numbers and the enforcement of severe penalties on slaves found guilty of aiding and abetting conspiracies and insurrections constituted a second category of preventive measures. It was deemed highly desirable to prevent slaves and free negroes from voicing their grievances in unison. To that end, such gatherings of the slaves as were permitted were subject to the surveillance of the whites. Dancing and drinking parties were not tolerated,[8] and even religious exercises were not above suspicion. Pious masters conducted religious exercises for the benefit of their slaves or on occasion secured the service of a white minister of the gospel.[9] The white ministers generally selected texts for their sermons which served to impress the negroes with the beauty of the virtues of humility and obedience. It is hardly necessary to say that admonitions to obedience based upon scriptural injunction constituted a potent aid in holding religiously-minded slaves to the path of duty.[10]

In 1741 the General Assembly passed an act making it a crime punishable by death for three or more slaves to "conspire to make insurrection."[11] This law was apparently allowed to remain unchanged until 1802, when, as a result of reported negro uprisings in Halifax and Bertie counties, the penalty for conspiring against the whites was made death without benefit of clergy or transportation beyond the limits of the United States. Transportation was to be employed only after an example had been made by the conviction and execution of several ringleaders, and those transported were forbidden to return upon pain of death. Both humane and economic interests demanded

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[6] *Revisal* of 1821, ch. 494.
[7] *Sessional Laws* of North Carolina, 1830-31, ch. 32.
[8] *Revisal* of 1821, ch. 406.
[9] An instance of the employment of a white preacher to preach to slaves is recorded in the Devereux Plantation Book. This valuable record of plantation life is the property of Mrs. J. W. Hinsdale, Raleigh, N. C.
[10] In many of the white churches space in the gallery was reserved for negro worshippers.
[11] *Iredell's Revisal*, ch. 24.

that a wholesale execution of slaves be avoided; but, when the interests of society clashed with those of the individual slave-owner, the latter must submit to some sacrifice of valuable slave property.[12] In all cases involving conspiracy and insurrection among slaves provision was made for a speedy trial of the offenders.[13] It was thought to be desirable not to permit too long an interval between the commission of the crime and the execution of the judgment. Expeditious punishment tended to impress the slave population with the majesty of the law, and at the same time spared the owner the inconvenience occasioned by the loss of a slave's labor.

Reports of insurrections in the State and in neighboring commonwealths produced a state of excitement which, as a rule, found expression in more drastic legislation regarding the privileges of slaves. This reaction became more and more pronounced with the steady increase of the negro population and the consequent augmentation of the fear of a negro insurrection. Notwithstanding the fact that the entire police force of the State was almost instantly available for crushing any defection among slaves, there was always the possibility that murderous axes in the hands of infuriated negroes would slay many whites before the progress of the uprising could be arrested. On numerous nights when rumors of negro uprisings were being circulated the whites lay uneasy in their beds and slept not at all.

The presence of a large group of runaways in a neighborhood was ordinarily a cause for apprehension. The majority of the runaways were captured and returned to their masters; but sometimes a few of the more determined and desperate succeeded in arming themselves, and from the fastness of some nearby swamp defied all efforts to effect their capture. Against incorrigible runaways proclamations of outlawry were sometimes published, summoning the slaves to surrender at once upon pain of being shot at sight.[14] In general, it was the presence of outlawed bands of negroes which produced the greatest fear among the whites exposed to their depredations. The fastnesses of the Great Dismal Swamp and of the swamps around Wilmington af-

[12] Compensation for executed slaves was allowed in some counties.
[13] *Revisal* of 1821, ch. 912.
[14] *Iredell's Revisal*, ch. 24.

forded the most convenient rendezvous for runaway slaves. Runaways became so numerous and bold around Wilmington about 1795 that the town authorities deemed it necessary to post a strong and vigilant night guard. This precaution was taken on the strength of the report that the desperadoes were not only raiding neighboring plantations, but had also killed an overseer, Jacob Lewis, and had wounded William Steely.[15] On December 18, 1818, Governor Branch issued a proclamation offering a reward of $250 for the capture of a lawless band of runaway negroes numbering seven. They were led by a certain negro named Andey alias Billy James. This particular band shot one Robert Young "and robbed the widow Fox of two half-Eagles between Raleigh and Lewisburg." Billy James, in spite of being hotly pursued by Colonel Hinton's dogs, continued to elude capture.[16]

In 1821 the militia of Onslow County was called out to suppress a strong and aggressive band of runaway slaves. It was reported that the runaways in Onslow did not try to conceal themselves, but went about boldly burning houses and committing numerous thefts. It was believed by the legislative Committee on Claims, which investigated the affair, that the runaways had adopted a plan of communicating with negroes in adjoining counties with the view of stirring up disaffection and revolt.[17] In 1830 sundry citizens of Sampson, Bladen, and New Hanover counties petitioned the General Assembly for military assistance in searching the woods for runaways and for authority to shoot them on sight. It was alleged by the petitioners that the slaves had become so uncontrollable as to go and come "when and where they please," and that the patrols hesitated to act for fear of having their houses burned.[18]

The numerous slaves who sought refuge in the Great Dismal Swamp were a constant terror to the white inhabitants of that region but, so far as can be ascertained, the negroes in hiding in this swamp did not commit deeds of great violence. In fact, gangs of runaways rarely became so desperate as to attempt a

[15] *Wilmington Chronicle*, July 3, 1795.

[16] So close and exciting was the chase that the outlaw divested himself of his incumbrances, which included, among other articles, a number of fine shirts supposed to have been stolen from members of the General Assembly. *Raleigh Register*, Dec. 18, 1818.

[17] MS., Legislative Papers, 1823. The Legislative Papers of North Carolina have been assembled and classified by the North Carolina Historical Commission.

[18] MS., Legislative Papers, 1830.

massacre of the whites. Hunger sometimes drove runaways to take life as an incident of procuring food; but in general they confined their activities to stealing, burning, and eluding capture. There was, however, always the possibility that a large number of runaways might embody and undertake to exterminate white settlements within striking distance of their rendevouz.[19] To obviate such a danger the machinery for apprehending runaways was rather elaborate and efficient. Patrols, rewards, "nigger dogs," the *posse comitatus*, and the militia were all available and unhesitatingly employed.

A casual perusal of the public prints of North Carolina from about 1792 to 1808 will convey unmistakably the conviction that the whites of Eastern Carolina entertained the liveliest fear of West Indian negroes. The negro insurrection in Haiti and San Domingo in the 'nineties of the eighteenth century, attended as it was by the most horrible atrocities, thoroughly alarmed the whites, not only of North Carolina, but of all the seaboard slaveholding states. Various expedients were adopted to prevent negroes from the West Indies being admitted to the State. The General Assembly in 1795 passed a law forbidding any person coming into the State with intent to settle to bring with him any negro or negroes above the age of fifteen years from any of the French, Dutch, Spanish, or English West Indies. The penalty for violating this law was a fine of £100 for each person brought in contrary to its provisions.[20] On June 18, 1798, Governor Samuel Ashe issued a proclamation calling on the people of the State to prevent the landing of slaves or free persons of color. He stated that several shiploads of San Domingan negroes had set sail and that one shipload had arrived at Charleston. "The admission of such slaves or people of color into the State at this time," the Governor said, "might disturb the peace and safety of the State."[21] In 1803 the inhabitants of Wilmington memorialized Congress on the subject of West Indian negroes. It was asserted in the memorial that a number of negroes or mulattoes, recently emancipated on the Island of Guadaloupe, had been landed at the town of Wilmington. It was the

[19] It does not appear that insurrectionary negroes singled out the slaveholders as special victims of their raids.

[20] *Revisal* of 1821, ch. 444. North Carolina prohibited the foreign slave trade in 1794.

[21] *North Carolina Journal*, June 18, 1798.

opinion of the memorialists that "much danger to the peace and safety of the people of the Southern States of the Union in particular is justly to be apprehended from the admission of persons of that description into the United States." Congress was therefore requested to take measures to prevent a recurrence of this event.[22] The danger of admitting West Indian negroes was much overrated; but to the best-informed minds it was very real. Mr. Alston of North Carolina stated in Congress in 1806 that one hundred West Indian negroes were more to be feared than ten thousand from Africa.[23]

The whites were not only alarmed over the entrance of bona fide West Indian negroes into the slaveholding communities of the State, but grave doubt was expressed as to the advisability of permitting negroes who had emigrated from the United States to Haiti to return to this country. In this connection, Governor Holmes of North Carolina said:

"The great number of slaves recently emancipated in the United States and thrown on the community without proper or regular employment has constrained a considerable portion of these miserable people to emigrate to the Island of Haiti. Also many free persons of color who never tasted the bitter cup of slavery have visited that Island. It is suggested with much diffidence whether it would not be expedient to prevent a return of these emigrants to our State as a view of our safety and tranquillity seem to require."[24]

Fears of an insurrection incited by West Indian negroes were gradually allayed; but there remained another factor to be reckoned with—the free negro. Free negroes were generally regarded as a nuisance and a danger—a nuisance because of the bad example they set for industrious, obedient slaves, and a danger because free negroes were believed to be active in promoting conspiracies and revolts. Prior to the Revolution, free negroes were few; and, consequently, little feared or hated. Commenting on this situation, Mr. Gaston, of Craven County, said in the Constitutional Convention of 1835 that from the best information he could get, he believed that previous to the Revolution

[22] Annals of Congress, 7th Congress, 2nd session, pp. 385-86.
[23] *Ibid.*, 9th Congress, 1st session, p. 359.
[24] Extract from a message of Governor Holmes to the General Assembly of North Carolina. *Raleigh Register*, Nov. 19, 1824.

there were scarcely any emancipated slaves in the State; and that "the few free men of color here at the time were chiefly mulattoes, the children of white women, and unquestionably free because their mothers were so."[25] After the Revolution, the number of free negroes increased appreciably, the increase being due in part to the emancipation of slaves by the Quakers and to a rather liberal emancipation policy on the part of the State.[26] By 1860 there were 30,468 free negroes in North Carolina.

Illustrative of the general disesteem in which free negroes were held is a memorial of the citizens of Charleston, South Carolina, to the legislature of South Carolina. It is stated in this memorial that free negroes were in great measure removed from the vigilance of the whites, that they harbored runaway slaves, and that their places of residence might become the rendevouz "of the desperate and discontented among the slaves."[27] A North Carolina slaveholder, in urging the legislature to adopt some measure to rid the State of free negroes, asserted that they "do more to corrupt the slave population and to instill into them a spirit of resistance and insubordination than every other source combined."[28] So pronounced was the repugnance of slaveholders for the free negroes that during the 'fifties the expediency of forcing all free negroes to accept the status of slaves was openly discussed and advocated.

The fear of the free negro as a disturber of the peace does not appear to have been well-founded. Leaving the West Indies out of account, there was elsewhere in North America only one negro conspiracy of threatening proportions, directed by a free negro, viz: the Vesey Insurrection in Charleston in 1822. Vesey planned a wholesale massacre of the whites in such a deliberate and systematic manner as to bequeath to succeeding generations of slaveholders a deep-seated suspicion of all except the most stupid and ignorant class of free persons of color.

Negro preachers and exhorters, after 1831, were unduly suspected of encouraging insurrection. Feeling against negro preachers was not so manifest until the occurrence of the Nat

[25] *Debates in Convention*, 1835, p. 351.
[26] After 1831 the emancipation of slaves was attended with some difficulty. For the laws governing the emancipation of slaves see Taylor, "The Free Negro in North Carolina," *James Sprunt Historical Publications*, V. 17, No. 1.
[27] *Plantation and Frontier Documents*, U. B. Phillips, ed. II, 114.
[28] *Raleigh Register*, Dec. 10, 1850.

Turner Rebellion in Southampton County, Virginia, in 1831. Nat Turner was a Baptist preacher, sufficiently well-educated to read the Bible and to make a very liberal interpretation of some of its passages. Prompted by what he conceived to be his religious duty, Nat assembled a band of from forty to sixty slaves and murdered fifty-five white men, women and children; whereupon, the General Assembly of North Carolina put a quietus on negro preachers. No slave or free person of color was to be allowed to preach on any pretense upon pain of receiving thirty lashes on the bare back.[29] Thus the error of one misguided negro exhorter was visited upon the whole tribe of negro preachers.[30]

During and after 1830 there appeared in slaveholding districts a pronounced sensitiveness on the score of abolition activities. The initial appearance of abolition tracts in North Carolina was viewed with acute apprehension. An organization, with the avowed purpose of bringing about the immediate uncompensated emancipation of slaves, and claiming the protection of federal law in the distribution of its propaganda, was difficult to combat. Here was a sinister threat. Copies of the *Liberator* and Walker's *Appeal*, decrying the evils of slavery and advocating emancipation, occasionally found their way into the hands of negroes.[31] Believing the Abolitionists to be conscienceless and therefore capable of any deviltry in the prosecution of their program, Governor Owens in 1830 took occasion to warn the people of the State against the machinations of these reckless reformers. The governor said in part:

A systematic attempt is being made by some reckless persons, some too, who under pious exertions to enlighten the ignorant and lead them from sensualizing darkness, are willing to sow sedition among our slaves, and this book[32] artfully distorting the peaceful doctrines of the Bible is intended and well-calculated to prepare the minds of that portion of our population for any measure however desperate.[33]

After 1830 it was not uncommon to attribute virtually all slave conspiracies and uprisings to the nefarious scheming of

[29] *Sessional Laws*, 1830-31, ch. 4.
[30] There were also restrictions on the bearing of arms by slaves and free negroes.
[31] See McMaster, *History of the People of the United States*, V. 6, pp. 71-72.
[32] Probably Walker's *Appeal*.
[33] *Raleigh Register*, Nov. 18, 1830.

the Abolitionists. They were charged with deliberately instilling malice and a spirit of insubordination into the minds of slaves. So positive was the belief in this charge that in several counties public meetings of the leading citizens passed resolutions denouncing "the wicked projects of Northern Abolitionists."[34] At a public meeting of the citizens of Mecklenburg County, resolutions were framed asking the postmaster (presumably of Charlotte) not to deliver but to send back to the place whence it came all incendiary literature. "Should this nefarious activity continue," the resolution ran, "we will suspend all business intercourse with the cities in which abolition or anti-slavery societies exist or from which their incendiary publications issue."[35]

In view of the fact that very few slaves could read, the Abolitionists supplemented the written appeal by sending agents into the State to make a personal appeal. In 1850 two Wesleyan preachers, Crooks and McBride, were arrested for denouncing slavery in the Friends' Meeting House in Guilford County,[36] and about 1860 Daniel Worth, another Abolition emissary, was arrested and tried for distributing copies of Helper's *Impending Crisis*. It was held by the Supreme Court of the State in the case of *State v. Worth* that the teachings of Helper's book were liable to excite slaves to insurrection, for the reason that Helper had written that "slaves ought to be discontented with their condition and the master deposed from his, and that the change should be effected even at the cost of blood."[37]

The essential purpose of the Abolitionists, however, was not to excite the slaves to make insurrection. Much that was said and written on that score was primarily for the purpose of discrediting the abolition movement so as to defeat its essential purpose—the creation of an overwhelming sentiment for the emancipation of slaves.

As to insurrections in North Carolina, there were none; as to conspiracies, there were a few; but, as to rumors of conspiracies and insurrections, there were a multitude. The absence of large cities in which slaves could congregate, the comparative absence of extensive plantation districts, and the patriarchal character

[34] See *Raleigh Register*, Sept. 22, 1835.
[35] *Ibid.*
[36] *North Carolina Standard*, Oct. 2, 1850.
[37] *North Carolina Reports*, 7 Jones, 488.

of slavery in the State served to remove in large measure the causes which frequently gave rise to discontent and rebellion.

Just prior to and during the Revolution there was in evidence a marked distrust of slaves. This distrust was due to persistent rumors that the British were planning to arm the slaves and use them in helping to subjugate their masters. Regardless of whether these rumors had any foundation in fact, they were given much credence. On June 19, 1775, Richard Caswell, Joseph Hewes, and William Hooper, the three North Carolina delegates in the Continental Congress, framed an address to the people of North Carolina in which they asserted that the people of North Carolina were aware of the efforts to incite the negroes to insurrection and "had taken such precautions in the premises that, when an extended insurrection was attempted, . . . it was promptly suppressed before any mischief was done."[38] It is probable that the insurrection referred to in the address was not in fact an insurrection, but what was more accurately described as a threatened uprising of the negroes in Beaufort, Pitt, Edgecome, and Martin counties. This conspiracy was reported to have been actuated by Governor Josiah Martin who used for the purpose a certain ship captain named Johnson. The conspiracy was discovered just before the time appointed for the uprising and an express was sent to Tarborough for assistance. Upwards of one hundred men were appointed as patrols and several negroes were seized, severely whipped, and cropped.[39] In July, 1775, another negro conspiracy was reported in the region of Tar River. The disaffected blacks were, it was alleged, planning to embody and move westward with the expectation of being protected by the Tories.[40] Behind these attempted uprisings stood, according to the Patriots, the sinister figure of Governor Martin. He was deemed capable of inspiring the most diabolical designs. So numerous and vehement were the accusations against Martin that he took occasion to deny that he had given any encouragement to the negroes to revolt against their masters. In a letter to Lewis H. DeRosset, Governor Martin, after denying that he had instigated the negroes to revolt, added,

[38] *Colonial Records of North Carolina*, Vol. X, p. XXVIII, prefatory notes.
[39] This insurrection is described in King, *Sketches of Pitt County*.
[40] Ashe, *History of North Carolina*, I, 436.

"nothing could ever justify the design falsely imputed to me—but actual and declared rebellion of the King's subjects and failure of all other means to maintain the King's government."[41] The denial was coupled with a clever threat. The Governor let it be known that the Patriots by their own conduct might reduce him to the necessity of arming the blacks.

In order to forestall the machinations of the British, the Committee of Safety for the town of Wilmington attended to the disarming of the negroes.[42] Subsequently, a committee of the Provincial Congress reported that in their opinion it was expedient "to recommend to all masters and owners of slaves on the south side of the Cape Fear River to remove such male slaves as are capable of bearing arms—into the country remote from the sea."[43] It does not appear, however, that this recommendation was given effect. While the British did not scruple to seize slaves belonging to Patriot masters, they did not employ slaves in large numbers as soldiers. The employment of slaves as soldiers would have been of questionable military value and otherwise impolitic.

After the Revolution the slave population apparently remained quiescent until 1802, when the white inhabitants of Hertford and Bertie counties were alarmed by evidence of a negro conspiracy. As in the previous cases noted, the conspiracy (if there was such), was frustrated by the timely arrest of fourteen negroes. The group was disposed of as follows: Frank was found guilty of conspiring and made to suffer death; another slave was cropped, branded, and whipped; while a third was cropped and whipped; and the remainder were whipped, "there appearing nothing against them only their names being on the paper."[44] With the exception of a disturbance in Onslow and Jones counties in 1821, the details of which are lacking, and the alarm occasioned by the Vesey insurrection in Charleston in 1822, there was no untoward event in the premises until September, 1831. In that year there occurred the so-called Duplin insurrection. This affair was doubtless given greater currency than it would ordinarily have had by reason of the fact that it followed hard

[41] *Colonial Records*, Vol. X, pp. 137-128. Governor Martin was then in Fort Johnston.
[42] *Ibid.*, Vol. X, p. 26. Negroes were similarly disarmed in Pitt County.
[43] *Ibid.*, X, 567-569.
[44] *Raleigh Register*, June 22, 1802.

upon the Southampton Rebellion in Virginia. While the whites were laboring under the excitement produced by the exaggerated reports of the atrocities committed by Nat Turner's followers, it was reported that the negroes of Duplin and Sampson counties were waging a war of extermination. In consequence, the white population in the entire central and southeastern parts of the State was thrown into a frame of mind bordering on panic. So great was the excitement in Raleigh that the city was put in a state of complete defense.[45] General Byrd, of Hillsborough, hearing that Raleigh was endangered, hastily raised a volunteer company and proceeded as far as Chapel Hill where he was informed that the danger was not imminent. In the vicinity of the region affected by the disturbance, it was reported that women and children fled to the swamps from which they emerged two days later "muddy and half-starved." Wagoners on their way to Fayetteville discharged their loads at some house on the road and returned home.[46] As was usually the case, the initial account of the uprising was greatly magnified. As a matter of fact, no one was killed nor was any outrage committed. It was reported that an unknown number of negroes were planning to march to Wilmington by two routes. At Wilmington the two columns expected to unite, seize a supply of arms and ammunition, and receive reinforcements to the number of two thousand, whereupon the "embattled host" planned to return to Sampson and Duplin counties to engage in open warfare. This alleged ambitious design was betrayed by a free person of color.[47]

Following closely upon the disturbance in Duplin, reports of a slave insurrection in the gold mines of Rutherford County and of an uprising in Richmond County gained currency. These reports, largely baseless, indicate that during periods of stress and excitement almost any untoward circumstance, involving negroes, might be regarded as evidence of a deep-seated negro conspiracy. The supersensitiveness of the whites on the score of racial relations, and the readiness with which they reacted to rumors of slave uprisings, sometimes led to the condemnation and punishment of suspected persons on the strength of a mere shred of evidence. The idea seemed to prevail that the more

[45] *Raleigh Register*, Sept. 15, 1831.
[46] *Fayetteville Observer*, Sept. 15, 1831.
[47] *Raleigh Register*, Sept. 15, 1831.

ruthless and summary the punishment the more salutary the effect on the slave population. In this connection, a rather curious incident is recorded of a certain community in Wayne County about 1805. It appears that a man by the name of Jernegan died rather mysteriously and that one of his female slaves was suspected of having given him poison. The suspect was tried by a negro court, found guilty, and executed. In the course of the trial, a number of other slaves were implicated, all of whom were subsequently arrested and tried. The court sat for fifteen days engaged in investigating charges of attempts to take the lives of the innocent by poison. A great many white people present expressed the opinion that a conspiracy had been formed to destroy the white population. This opinion was fortified by the exhibition in court of a number of snake and scorpion heads found in the possession of the slaves. The presence of these uncanny objects "did great violence to the imagination of the credulous and affected them with imaginary pains." The negro court decreed the execution of four slaves, the banishment of several others, and a severe whipping for the remainder.[48]

In order to prevent the unnecessary sacrifice of slaves accused of being involved in conspiracies against the whites, the Nash County Humane and Slave Protecting Society was organized in 1832 with John H. Drake as president *pro tem,* and H. Blount, Secretary *pro tem.* The Society was organized shortly after the racial disorders of 1831 and had for its objects: (1) the detection and suppression of the sources of discontent and conspiracy among slaves, (2) the scrutiny of the conduct of the negro population and the collection by correspondence and expresses of information concerning the conduct of slaves throughout the State, (3) the prevention of the "indiscriminate and unceremonious sacrifice of slaves by the white population acting under the influence of excitements, regardless of the truth or falsity of any reported insurrection—fabricated or circulated to lessen the price of slaves or for any other purpose."[49] This Society was

[48] This incident is graphically related by a contributor to the Henderson Letter Book, which consists of a number of letters dealing with community life in North Carolina in the early nineteenth century. It is found among the collections of the North Carolina Historical Commission, Raleigh, N. C.

[49] *Tarborough Free Press,* Jan. 31, 1832.

probably short-lived; but the very fact of its organization is indicative of the feeling of slaveholders, who viewed with grave concern the indiscriminate sacrifice of valuable property in slaves.

It is an arresting fact that after 1831 slave conspiracies and insurrections were conspicuously less noticeable. The comparative absence of insurrectionary disturbances in the last three decades of the slave regime may be attributed to several causes, notably: the more humane treatment of slaves, the enactment of more stringent laws regarding the privileges of slaves, and the failure of previous attempts at insurrection. Undoubtedly, a more powerful deterrent than either of the foregoing was the gradual rise in the level of intelligence of the slave population. Long and intimate associations with the whites, despite restrictions on the imparting of formal learning, resulted in a broadening of the mental horizon of the slaves. They became more and more aware that a master's power to coerce extended far beyond the confines of his plantation, and less and less inclined to challenge that power and the system from which it emanated. Finally, convinced of the futility of resisting organized authority, the bulk of the slaves resigned themselves to their ignoble lot—to await in patience the day of deliverance.

WHITE METHODISM IN SOUTH CAROLINA DURING RECONSTRUCTION*

By Francis Butler Simkins

Many historians, both local and national, have written much of the horrors under which the average white South Carolinian is supposed to have lived during "the black days of Reconstruction." Their sketches are so gloomy because they content themselves with discussions of the abnormal political experiences of the state to the exclusion of other equally important phases of local life; and there can be no doubt that they do not greatly overdraw the political troubles. But was not the average white man and woman, in spite of political distress and comparative poverty, then enjoying a social life as happy as that of the twentieth century white South Carolinian with his wealth and political monopoly? Possessed of the fragments of anti-bellum wealth and of the memories of that age when South Carolinians knew the art of enjoyment, the returned Confederate often lived a gay life not interrupted by the prospects of fortune through uncomfortable industry.[1] Even the economic distress of the period was not so great as some have imagined, for was not the freedman more industrious then than he was twenty years later, and was not the average white farmer more prosperous?[2] But a discussion of these social and economic factors will be left for the future. The present paper will be confined to a consideration of experiences which, in several of their aspects, during the Reconstruction period, gave almost perfect happiness to thousands of plain white South Carolinians, namely, the experiences of the majority of white Methodists when confronted with the actualities of Reconstruction. White Methodism engendered so much happiness because it took into account emotional experiences

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[1] "I never knew," said Joseph Le Conte in his *Autobiography* (New York, 1903), p. 236, "so much real social enjoyment in Columbia as in the years 1866 and 1867; society was really gay, the necessary result of the rebound from the agony of war."

[2] Such was the opinion of representative farmers of the state in numerous letters written in 1893 in the *Report of the Committee on Agriculture and Forestry on the Condition of Cotton Growers, Senate Report*, 53rd Congress, 3rd session, Report No. 986, pt. 1, pp. 286-305.

measured in terms of heavenly success, rather than in terms of the actual world of economic failures and reverses in the fortunes of the Episcopalian political leaders of the white race. Equally interesting experiences could be revealed through a study of the fortunes of the white Baptists and the negro Methodists and negro Baptists of this period.

South Carolina white Methodism during the Reconstruction period was confronted with several acute problems. The most immediate was the problem of repelling the attempt of the Northern Methodist Church to absorb it. A problem of vital importance was the settlement of the ecclesiastical status of the numerous negro members in their new capacity of freedmen. The internal problems of the church—its moral, social and educational discipline—likewise received attention. That the church was so successful in the solution of these problems was largely due, in the opinion of this writer, to the effectiveness of its emotional appeals. These appeals seemed to have engendered in those to whom they were directed a high degree of religious happiness, and consequently were a source of great strength to the church in its efforts to surmount the obstacles in its way. They will accordingly receive much stress in this paper. But we shall not neglect the non-emotional and more worldly side of the church's endeavors, because without them it is not likely that the other work would have been of permanence.

The Northern Methodists took the view that the fact that the Northern arms had triumphed would mean the speedy destruction of the Southern Methodist Church in South Carolina as well as in the other Southern States, and the incorporation of its membership in their body. Were not slavery and the theory of local autonomy which protected it—the two principles which had led to the secession of the Southern conferences in 1844—dead and without champions? While statesmen were so thoroughly convinced that South Carolina had been guilty of the moral crime of Secession that they rejoiced in the destruction of Columbia, was it not logical for the leaders of the Methodist Church, a sect never distinguished for its tolerance of the institutions of outsiders, to assume a high moral position in dealing with those who had practiced the sins of Secession and Slavery?

Was there not room for an optimistic belief that the South would accept in all humility the fact that it had sinned, and the means of Christian regeneration which its more virtuous brothers of the North, in Christian compassion, would extend it? There was no room in the Northern Church's conception of meeting the great moral issue of the day for such an easy reconcilation between the sections as was affected in the less moralistic Episcopal Church. "We must shun," said a New England conference of the Methodist Episcopal Church in 1865, "the temptation of making the former church the center around which we shall reorganize our own." The Committee on Reconstruction of this conference was of the opinion that the Methodist Episcopal Church, South, "had been so completely leagued with detestable sin, that its representative ministers and members are incapacitated for the work of social and religious regeneration of the South," and that their "apostate church should be exterminated." "Methodists are intensely desirous," said the official organ of the Western conferences,[3] "that an unfettered Gospel should ring through the now disenthralled South—so anxious that we can brook no delay. We want hundreds of men turned loose in the South laden with the 'unsearchable riches of Christ.'"[4] This organ, as early as August 1865, expressed unbounded optimism concerning the success of Methodist missions in the South. "The tide," it said, "turns in favor of loyalty and liberty, and the Methodist Episcopal Church can fully meet the demands of the situation. Even rebels and traitors will soon refuse to receive the Gospel except from those who have shown their fear of God by loyalty to the Nation. The mad-dog cry of 'abolitionist' becomes effete and ridiculous now that the doctrines of liberty blaze in splendor from all the starry folds of the flag of the Republic."[5] In keeping with such sentiments and beliefs the General Conference of the Northern Church of 1864 announced that members of the Southern Church would be again admitted into its fold only when they had given satisfactory assurance of "their loyalty to the national government and their hearty ap-

[3] *The Western Christian Advocate*, Chicago.
[4] These quotations are from the *Southern Christian Advocate*, Sept. 7, 1865. This weekly published at Macon, Georgia, was the official organ of the South Carolina Conference.
[5] Quoted in *ibid.*, Aug. 31, 1865.

proval of the anti-slavery doctrine of our Church."[6] The bishops of the Northern church at the Erie conference of 1865 confirmed the declaration of the previous year and expressed the desire that missionaries be sent into sections of the South not then subject to their ministrations. The South was declared a special mission field.[7] A political complexion of great significance was given to the activities of the church in the South by the fact that many Methodist bodies of the North in the summer of 1865 voted overwhelmingly in favor of the enfranchisement of the negro.[8]

The Northern church soon endeavored to bring its version of the "unfettered Gospel" to the "rebels and traitors" of South Carolina and to the State's black population recently out of its "thraldom." At the behest of Northern agents, churches owned by native Methodists were seized by the military.[9] At the Charleston conference of the Northern church resolutions were passed to ignore "all those artificial distinctions in society founded on ungenerous prejudices," and felicitations from Northern bodies congratulating the church for the success in abolishing "invidious distinctions" were received; in fact, colored men were given social equality in the church; nine missionaries were reported as active in the State, and a theological institute with fifteen students founded for the education of negro ministers was reported in successful operation.[10] The church in the city of Charleston was adjudged "a living and efficient agency through which sinners are converted to God."[11] Schools were organized which were of lasting educational benefit to the freedmen. The most notable of these was Claflin University in Orangeburg. Some ten to fifteen thousand dollars was spent each year in South Carolina by the General Mission Board of the church for its work of evangelization and education.[12] The State conference, held in Columbia in 1874, expressed itself as "satisfied with conditions in South Carolina." But in spite of these scat-

[6] Quoted in *ibid.*, Sept. 7, 1865.
[7] *Ibid.*, Feb. 23, 1865.
[8] *Ibid.*, Sept. 7, 1865.
[9] For example, three of the four Methodist churches of Charleston were seized. George W. Williams, *ibid.*, Aug. 31, 1865.
[10] *Ibid.*, May 25 and June 29, 1865.
[11] *New York Christian Advocate*, quoted in *ibid.*, Mar. 23, 1865.
[12] *Ibid.*, Dec. 3, 1873.

tered evidences of success, the Northern church signally failed in its endeavor to bring the defeated whites into its fold and had success only with the negroes.[14] The conference of 1866 was able to report only one native white minister in its service. "The native white population," confessed an organ of the church, "stand aloof, and usually do all in their power to hinder the work of the missionary."[15] The aforementioned conference of 1874 was composed of negroes and a few Northern-born white men.[16] Claflin was a brave but meager experiment in education. Poverty forced many of its 110 students to cook their own victuals, and its faculty of five was able to give only a paltry form of instruction.[17] Even control was lost of many of the seized church edifices when the Washington government and some of the missionaries came to realize that such high-handed procedure had been unwise.[18] Although by far its greater success was among the negroes, that numerous group welcomed the attempt of the Northerners to control their religious activities with no more enthusiasm than they welcomed the attempt of the native whites. Especially was this true when the negroes realized that the Northerners' declarations of liberty and fraternity were often tempered by a New England sense of discipline and prudery when brought into contact with the emotional extravagance and moral looseness often associated with the negro's religion. Both the negro and the Northerner were often disillusioned concerning previously entertained opinions of their respective virtues. "Some of our white friends," said a Beaufort negro writing in the organ of R. H. Cain, "do more in the way of keeping farms and keeping our poor race in ignorance than in anything else .... When they see the cotton bag they forget about saving souls .... They pat the negro on the shoulder with the left hand, while with the right hand they catch hold of his pocketbook."[19] "No

[14] The total membership in the State of this church in 1869 was 20,801; in 1874, 30,676. A. A. Taylor, "The Negro in Reconstruction in South Carolina," *Journal of Negro History* (Washington, July, 1924), IX, 352.

[15] *New York Christian Advocate,* quoted in *ibid.,* May 23, 1866.

[16] *Christian Neighbor,* Jan. 27, 1874. (This weekly was published in Charleston as the unofficial organ of native white Methodists.)

[17] See "Sigma's" description of this institution in *Southern Christian Advocate,* Feb. 4, 1874.

[18] For example, the Reverend Mr. Lewis of the Northern church was instrumental in bringing about the restoration of churches to the whites through the easy means provided by the Johnson administration. See F. A. Mood in *ibid.,* Oct. 4, 1865.

[19] *Christian Record* (Charleston), Aug. 14, 1867.

other people in Protestant Christendom," wrote the Reverend Dr. Abel after a tour of inspection of negro churches,[20] "show so imperfect a religious development . . . . Their public devotions . . . . are generally characterized by extravagance, which would not be tolerated by a Christian people."

Although it is certain that under even the wisest management the Northern church would not have been successful in its attempt to absorb the South Carolina branch, the local leaders, familiar with their field through long experience, made the failure of the Northerners more complete than it might have been under natural circumstances. Bishop Wightman, of South Carolina, prudently admitted that Slavery and Secession were dead issues, and advanced elaborate arguments favoring as inevitable the submission of his flock to the authority of the United States. Yet in no uncertain terms he affirmed the Pastoral Letter of the Southern College of Bishops rejecting with scorn the absorptionist proposals of the Northern church. In his pastoral address of 1865 he went so far as to affirm that the Northerners had been guilty of violating one of the fundamental tenets of the church by entering politics; that Southern Methodism had a distinct mission to fulfill, and that no good could come from the Northern proffers of reunion. In answer to the argument that the calamities which the South had experienced was the punishment of Providence for the crimes of Slavery and Secession, he submitted explanations worthy of St. Augustine in explaining why Rome fell shortly after it adopted Christianity. The South Carolina bishop cited numerous Biblical examples of the punishment of the virtuous and the prosperity of the wicked and attacked the practice of seeking Providential causes for earthly happenings.[21] The moral depravity into which many South Carolinians had fallen as a result of the confusion incident to the end of the war, and which was of a type which conscientious Methodists could not ignore, was cited by the Northerners as a reproach to the church. This was remedied, as we shall later see, by not unsuccessful attempts to apply the well known Methodist discipline. The assault upon the church for its endorsement

[20] *New York Methodist*, quoted in *Southern Christian Advocate*, Feb. 25, 1874.
[21] The pastoral letter of 1865 is published in *ibid.*, Nov. 23, 1865.

of slavery and its alleged improper conduct towards the negro was answered by a calm recital of the great missionary work the native Methodists had carried on among the negroes before the war.[22] But justifications of fact and logic were hardly necessary to protect the white church against Northern attempts at absorption. The main cause of the failure of the missionaries was their ignorance of the elementary principle of social psychology that the defeat of a people with an ideal by another people with a conflicting ideal is not likely to be followed by the acceptance of the ideal of the victorious by the vanquished. As expressed at the time by no less than one Northern observer,[23] it was the height of folly for the Northern churchmen to look upon the outcome of the war as retribution visited upon the South, and to expect the Southerners "to see it in the same light, and to meet us as penitents in sackcloth and ashes and take our advances to them as proof of our magnanimity and forgiveness." Another important reason that the South Carolina church was not annihilated was that, in spite of poverty, South Carolina Methodism was still able to invoke among its members and converts emotional experiences which gave rise to a spirit of loyalty to the organization and to an optimistic faith in its way of heavenly salvation. These experiences took no account of reverses of material fortune and of criticisms which were born of imported moral principles that were foreign to the very individualistic morality which the native Methodist regarded as sufficient for his salvation.

No such success, however, was attained in the endeavor of the local church to hold its negro majority within its fold.[24] A series of circumstances seems to have made the secession of the blacks inevitable. Although there is no brighter page in the history of American Methodism than the story of the zeal with which the South Carolina Methodists looked after the spiritual welfare of their own slaves and those of the somewhat neglectful Episcopalian planters, the system of religious control which the

[22] The most notable work of this nature was supervised by Bishop William Capers. At his death in 1855, there were twenty-nine missions, thirty-two preachers, 11,546 communicants and an annual expenditure of $25,000. See Woodson, *History of the Negro Church* (Washington, 1921), 158-59.

[23] *The Nation*, III, 31 (July 21, 1866).

[24] In 1861 *The Minutes of the Annual Conferences of the Methodist Episcopal Church, South*, gave the number of white Methodists in the South Carolina Conference as 34,826, and the number of negroes as 42,853.

Methodists had imposed upon the negro was such as was natural only to slaves. The principal reason for the whites' interest in the negro's spiritual welfare was their desire to make more sure the bondage of thought as a means of securing the bondage of body. Either the negro had been forced to attend the church of the white man, where special seats in keeping with his social position were provided, or white preachers, or such colored preachers as met the approval of the whites were forced upon him in special meetings. He was told that God made the two races for different purposes, one to serve and the other to be served. This system generally worked smoothly; but when friction developed, it was the negro who yielded. For example, in 1833 a group of "uncouth white youth," in order to make room for themselves in the crowded Bethel church of Charleston, ejected the negro members from that church. An attempt to discipline the youths led to the indignant withdrawal of 150 members to form a separate church.[25] The African Methodist Episcopal Church, which was established in Charleston through the initiative of Morris Brown, and which had 3,000 members in 1822, was in that year forced to suspend operations by the whites and its leader was forced to flee North.[26] In 1836, when Reverend Daniel A. Payne, a colored preacher, manifested religious activities not pleasing to the whites, he was expelled from Charleston and was not allowed to return until after the war.[27] Thus is it evident that the traditional position of the negro in the white church was that of a slave, and it was but natural for the whites, in spite of the forced abolition of slavery, to be willing to maintain religious connections with the freedman only on a basis which involved the minimum modification of the traditional custom of treating the negro as a subordinate. No wonder, then, that the negro Methodists, imbued as the race was with doctrines of equality, should have regarded their religious dominance by the native whites as intolerable, and should have set about the organization of a separate church.[28] Accordingly, the act of the general conference of 1864 of the African Method-

[25] Woodson, *op. cit.*, p. 133.
[26] Woodson, *ibid.*, pp. 77-78.
[27] W. J. Gaines, *African Methodism in the South* (Atlanta, 1892), 60.
[28] "We were leading a body of Negroes," said Bishop Gaines, *ibid.*, p. 61, "to seek a church where they could be free and untrammeled in their religious worship."

ist Church, the independent negro Methodist body of the North, calling for the extension of its organization into the South, met with ready response in South Carolina. Largely through the initiative of two missionaries, James Lynch and James D. S. Hall, the first South Carolina conference of the African Methodist Episcopal Church was held in Charleston, May, 1865. Bishop Payne, the same divine who thirty years previously had been driven from the city, made a triumphant entry, and presided over the conference.[29] There was, said a prominent native white Methodist who witnessed this conference, "quite a parade of 'bishops, deacons and elders.' Sambo, like the white man, is fond of office, and the temptation of being made a live bishop caused hundreds and thousands to join the African Methodist Church."[30] Churches were furnished the negroes by the Federal government or turned over to them by the local whites. Others were built by the negroes themselves. The most notable of these was the Emanuel Church of Charleston, erected amidst much display of pomp by the distinguished colored preacher-editor-politician, R. H. Cain. Missionaries were dispatched into the interior, and so great was the success of the African church that the State was soon divided into two conferences. The negro membership of the white church fell from 42,853 in 1861 to less than a thousand by 1873,[31] while the membership of the African Methodist conference of upper South Carolina alone rose to 23,915 in 1882.[32]

What was the attitude of the native whites toward this deflection? As was natural, they generally opposed a change which involved a loss of more than half their membership. The declaration of the Southern Methodist bishops[33] that the duty of the whites of looking after the spiritual welfare of the negroes had not ended with the freedom of the race, found ample echo in South Carolina. Bishop Wightman shortly afterwards said[34] that freedom had brought only "slight changes" in the status of the negro; that the annual expenditure of the church for the

[29] *Ibid.*, 5-12.
[30] George W. Williams, *Southern Christian Advocate*, Aug. 31, 1865.
[31] *Minutes of the Annual Conferences of the Methodist Episcopal Church, South*, 1863-1873.
[32] A. A. Taylor, *op. cit.*, 353.
[33] Published in *Southern Christian Advocate*, Aug. 21, 1865.
[34] *Ibid.*, Nov. 23, 1865.

evangelization of the race should be the same as heretofore, and that the same accommodation as in the past should be provided in the churches for the blacks. As long as the negro was willing, he was given the opportunity of being converted in white meetings and becoming a member of white churches.[35] The missionary society of the state conference, in its annual reports throughout Reconstruction, bitterly lamented that circumstances were destroying its opportunity to serve the negro as it had done before the war. "How the heart sickens at the contemplation of that change," said the Society in 1865.[36] And in 1866: "Mourn, as we may, the loss of worldly wealth, thousands mourn more bitterly the blight fallen upon our once fruitful mission field."[37] The sentiment of the Greenville district conference of September 1867 is typical of that of many local bodies for several years following the war. The Greenville conference said of the negroes: "Ministers should feel it a duty to preach to them and establish Sunday schools for them."[38] Even in the face of wholesale deflections many still fondly clung to the hope that the blacks would return to their old allegiance.[39]

But as soon as the whites realized that the separation of the races was inevitable, they did much to make the transition as easy as possible to both races, and the negroes reciprocated with manifestations of gratitude of the generous nature characteristic of the race. The white bishops of the South, as early as 1865, recognized the inevitability of the separation and advised that "no factious opposition be offered to the exercise of their [the negroes'] fullest liberty in choosing their ecclesiastical associations."[40] The official organ of the South Carolina conference was of the opinion that since the colored people "will not remain in any church organization that does not admit them to the legislative and pastoral relation of the Church," and since "the

[35] Evidences of this are scattered throughout the files of the *Southern Christian Advocate*. For example, from Greenville, April 3, 1866, came "the refreshing news" of the conversion of 250 whites and fifty negroes; from Winnsboro, May 11, 1866, the account of the conversion of seven whites and six negroes; from Edgefield, Nov. 8, 1867, that of seven whites and ten negroes; from Marion, Aug. 23, 1868, the baptism of 205 whites and forty-two negroes.

[36] *Southern Christian Advocate*, Nov. 30, 1865.

[37] *Ibid.*, Dec. 14, 1866.

[38] *Ibid.*, Oct. 4, 1867.

[39] For example, Reverend A. M. Chreitzberg before the Charleston district conference of May, 1868, said: "We are certain that time will prove who are their best friends, and we wait to render them, as of old, pastoral service." *Ibid.*, June 5, 1868.

[40] *Ibid.*, Aug. 31, 1865.

social relations of the two races preclude the idea of such equality," independent organizations for the negro were necessary.[41] The leading secular organ of the State[42] believed that the establishment of independent negro churches was evidence that the blacks were "more devout than they were in the days of slavery" and "had not forgotten their former teachings." Some negro churches were built with the aid of funds given by whites.[43] In this investigation no case has been encountered in which there was a quarrel between the whites and blacks of any church on the conditions of separation. The cordial reception by the general convention of the Southern church of 1866 of fraternal delegates from the African Methodist Church was approved in South Carolina,[44] and led to the opinion of a prominent minister[45] that the social change in the status of the negro "has not wrought an irreconcilable antagonism between the races." This cordiality went to the limit of the whites extending the use of Trinity church, the largest Methodist church in Charleston, to the Africans until they should complete an edifice of their own. This act of generosity prompted R. H. Cain, the leading African divine of the State, to express "fraternal feelings" towards the whites. In reply, the Charleston Quarterly Conference of the whites expressed its "continued desire . . . for the improvement of the colored people in education, morals and religion."[46] To make provision for those Methodist negroes who did not desire to join either the African or Northern church, and who were not satisfied to remain under the direct control of the whites, branches of an independent conservative negro church in South Carolina were provided for by the general conference of the white church in 1866. Colored persons in the State were ordained as deacons and elders, and separate quarterly conferences for the race were organized.[47] To meet the demand of the negroes for an even larger degree of autonomy,

[41] *Ibid.*, June 15, 1866.
[42] *Charleston Daily News*, March 11, 1867.
[43] For example, Theodore D. Wagner, a Charleston merchant, gave a lot and $100 towards the building of a Negro Methodist church in Charleston.—*Southern Christian Advocate*, Nov. 2, 1865. For another example from Darlington, see *Charleston Daily News*, March 15, 1865.
[44] See letter of J. E. Evans, *Southern Christian Advocate*, June 25, 1865.
[45] E. J. Meynardie, *ibid.*, Sept. 10, 1865.
[46] The interchanges are in *ibid.*, Nov. 2, 1865.
[47] For the approval of the procedure by the influential Columbia Quarterly Conference of the Southern Church, see *ibid.*, May 29, 1869.

the general conference of the Southern church provided, in 1870, for an absolutely separate negro church to be called the Colored Methodist Episcopal Church of America, with the right of electing bishops of its own. The result was that by 1876 there was in South Carolina a prosperous independent negro church enjoying a considerable membership and the confidence of the whites.[48]

But the cordial understanding which existed between the whites and the largest branch of negro Methodism, the African church, was not enduring. The principal cause of this change of sentiment was that many of the ministers of the African church turned to politics. Although the historian[49] may regard this as the inevitable result of the fact that it was only among the clergy that the race had leaders trained for its new opportunities in politics, the whites of South Carolina took no such philosophical viewpoint. They were alarmed and outraged when the African church became a partisan political organization which used its influence with such startling success towards making a race which was subordinate to the whites in every other social relation almost unanimous in its refusal to do as its former master bade in politics. As early as 1867 "the development of sentiment among the leading men of the African M. E. Church, which will drive from it the sympathy of the Southern church" was noted. "When it turns the church into a political club . . . it departs from the simplicity of the Gospel and should be rebuked."[50] "The colored people," said the Orangeburg Quarterly Conference of the white church of October, 1867,[51] "have formed themselves into associations whose prevailing sentiment seems to be to propagate radicalism instead of the religion of Christ." Solemn advice against "the evil of politics" and that "blind attachment to politics which had made infidels" was given,[52] and when it was unheeded, total estrangement between the two churches became immediate. Moreover, many white South Carolinians became almost as convinced as the Northerners that

[48] "The development of the church in the state was not rapid," Taylor; *op. cit.*, 356. See Isaac J. Newberry's account of the Limestone conference of this church in 1875—*Southern Christian Advocate*, Sept. 12, 1876.

[49] Woodson, *op. cit.*, Chap. XI.

[50] Editorial in *Southern Christian Advocate*, June 7, 1867.

[51] *Ibid.*, Nov. 8, 1867.

[52] Reverend G. S. Wells, of Marion, writing in *ibid.*, Oct. 30, 1868.

the type of Methodism which the negro insisted on practicing was disreputable. "Instead of being quiet and orderly," runs a typical comment,[53] "they [the negroes] never preach, pray, or sing without yelling at the top of their voices, and adding to these barbarous religious exercises a barbarous shouting, thus disturbing the neighborhood in the most intolerable manner up until midnight." There were even those who saw advantages accruing to the white church from the separation, which led to the conclusion[54] that this movement was not due altogether to the initiative of the blacks. "The withdrawal of the colored people from our church," wrote a prominent Charleston minister,[55] "has really operated in opening for us a new and brighter prospect. We are relieved of a burden, and what was a stigma . . . The absorption of the church by them—the unremitting attention required of the pastors to all their demands . . . and the prominence which their numbers and demonstrative mode of worship gave us in the city [Charleston], placed us in a false light before the community." The church was relieved of a great expense.[56] There was no more need of exercising that intimate control over the race which slavery seemed to have demanded. The solicitations on the part of the white Methodists for the spiritual welfare of the negro became less frequent and more perfunctory; the white clergy began to show less and less interest in the conversion of the blacks;[57] so complete has become in our day the separation of the races in South Carolina Methodist churches that a stranger might easily visit many white Methodist services without ever becoming aware that there was such a person as a negro Methodist in the State.

While disposing of the menace of Northern interference and the question of what the relations between the races should be, the white Methodists of South Carolina lost no time in looking after the internal development of their own organization. The great motive force of this development was the revival spirit which in spite of worldly difficulties was sufficient to keep the

[53] *Charleston Daily News*, Sept. 15, 1868.
[54] Woodson, *op. cit.*, 193.
[55] E. J. Meynardie, *Southern Christian Advocate*, Aug. 31, 1865.
[56] The contributions for domestic missions fell from $38,833 in 1863 to $2,830 in 1871.—*Minutes of the Annual Conferences of the Methodist Episcopal Church, South*, 1863-1871.
[57] References to the conversion of the blacks, so numerous in the *Southern Christian Advocate* in the 1865-67 period, after that date became less frequent, and then disappear.

church in a state of agitation. But this cultivation of emotions which led to heaven did not lead the church into the mistake of neglecting temporal influences and organizations. No experienced Methodist was so optimistic as to believe that conversion alone was sufficient to insure the Christian life. We shall first describe the working of the revival spirit in the church and then we shall give attention to the temporal organizations.

Throughout the eleven years of Reconstruction the church seems to have been constantly under the influence of the revival spirit. Among the numerous examples, one reads of "the refreshing news" from Greenville of the conversion of no less than 150 sinners;[58] from Newberry came the story of "a refreshing season of divine grace" in the form of frequent meetings and many conversions;[59] Spartanburg County was reported to be "in a perfect blaze of revivals," due largely to the preaching of a minister whose "face shines like Moses" and who "in language of moving tenderness invites the wanderers home."[60] South Carolina divines even found time to go into North Carolina to effect the "fall of Marion" which "turned the devil pale."[61] Often a congregation would give way to old-fashioned manifestations as did one in Greenville in 1866. "There were shouts in the camp," wrote a minister who attended this meeting, "as of one that getteth victory—loud exclamations of 'Glory to God!' The spirit was with us, and the people of God had liberty to express their joy." Meetings would often continue day and night for as long as three weeks.[62] At Rehoboth on the Ninety-Six circuit, as the result of an eight-day meeting, many conversions were reported, and the community was "greatly stirred on the subject of *entire sanctification.* Several members of the church enjoy perfect love." One session was characterized by such a "rare experience of religious enjoyment" that "one sister remained speechless for hours in the embrace of the perfect love of God."[63] From Walterboro in the same year came the following

[58] *Ibid.*, Aug. 3, 1866.
[59] *Ibid.*, Sept. 28, 1866.
[60] Relation of Presiding Elder W. H. Fleming in *ibid.*, Sept. 9, 1866.
[61] *Ibid.*, Nov. 2, 1866.
[62] R. C. Oliver, *ibid.*, Oct. 9, 1866. For example, the Charleston meeting of 1867.—Reverend John T. Wightman, *ibid.*, June 28, 1867.
[63] *Ibid.*, Oct. 11, 1867.

account from a local minister of a spirited revival:[64] "Never did I witness such feeling, interest and manifestations of divine power as here. The love-feast on Sunday morning was full of interest . . . From Saturday the altar was crowded with weeping penitents, and 'the grand old woods' rang with the shouts of new-born souls." From Anderson came the news of "nearly sixty penitents at the altar pleading for pardon. . . . Old men and young pleading mightily for mercy."[65] Another illustration of the fervent religious spirit prevailing in the State came from Lexington County in 1873:[66] "There was a most wonderful display of divine power. Suddenly, as from one voice, the people of God shouted for joy, and several penitents who were at the altar were happily converted. At the instance of this baptism of the Holy Spirit, there was a rush to the altar of many who were heard earnestly crying aloud for mercy." At times the manifestations of heavenly power were so potent as to effect radical modifications of habit. Thus a certain preacher of Greenville, who was on the superannuated list, was stirred into resuming active pastoral duties;[67] and a wicked young man of the Black Swamp circuit, while on his way to a dance, turned aside to attend a religious meeting where he became so possessed of "the spirit of shouting" that "he continued praising God aloud in the church and on the road wherever he went."[68] An illustration of pastoral zeal is the record case of a certain minister of Marion County who, on account of his love of the spirit, traveled on horseback in eight months of 1868 no less than 2,885 miles, preached 290 times, received 390 into the church and converted more than 250.[69]

Perhaps the most powerful agency of evangelization among the South Carolina Methodists before the war had been the camp-meetings, introduced in the State as early as 1802.[70] During the war or immediately afterwards, most of these assemblies were abandoned. But by 1868 many of them were revived with con-

[64] *Ibid.*, Sept. 20, 1867.
[65] *Ibid.*, Nov. 10, 1867.
[66] *Ibid.*, Dec. 3, 1873.
[67] *Ibid.*, Aug. 3, 1866.
[68] *Ibid.*, Oct. 13, 1875.
[69] *Ibid.*, Oct. 23, 1868.
[70] James Jenkins in his *Memoirs* speaks of the camp-meeting held at Waxhaws on the old Enoree circuit in that year as follows: "Indeed until now there were none in this State." Quoted by A. M. Chreitzberg, *ibid.*, Mar. 8, 1876.

siderable of the ante-bellum enthusiasm again manifested.[71] In 1875 there were approximately twenty-four in operation in the State.[72] The usual camp-meeting would be held in some convenient rural grove in which were erected an arbor or shelter of boards for the preaching, and a group of "tents" or wooden shacks for the accommodation of the families of the faithful who were in residence for the five or six days which the meeting lasted. Trumpets were used to call the congregations together. These "Feasts of the Tabernacle," as they were called, seem to have been an adaptation to local demands for social intercourse and protracted religious experience of religious habits of the pastoral Jewish tribe. Here Methodists were best able to go through the experience of conversion which they loved so well. A few citations from writers who attended these meetings in South Carolina will convey something of their spirit. At the aforementioned Cattle Creek meeting of 1868 we are told[73] that the "glad songs of Zion as in the days of yore" were heard along with those of the frogs and mosquitoes of the surrounding swamps, and that all the attendants were "held up in the arms of God." At the meeting held at Sandy Springs on the Pendleton circuit in 1870, we are told that "the Holy Spirit was there in mighty power. The old people and the preachers said they had never seen the like. Some of the scenes beggar description. One afternoon the services continued from the three o'clock sermon until midnight, giving the regular preacher no time to preach."[74] In 1875, at the Cannon camping ground near Spartanburg, "shouts of victory and glory were often heard from the tents," and so great was the enthusiasm on one occasion that the services continued uninterrupted from eight in the morning until midnight.[75] Perhaps the most famous camping ground in the State was Binnaker's, in Orangeburg County, where for a long period of years "many ransomed sinners had been born to glory." Of the gathering of 1876 we are told:[76] "It is hard to

[71] The first one after the war which attracted considerable attention was held at Cattle Creek, Orangeburg County, in the summer of that year. See account in *ibid.*, Aug. 21, 1868.
[72] J. W. Kelley, *ibid.*, Oct. 27, 1875, said that there were from one to five camping grounds in eight of the district conferences. Taking three as a possible average, we arrive at the aforementioned number.
[73] *Ibid.*, Aug. 21, 1868.
[74] Samuel Weber, *ibid.*, Oct. 4, 1871.
[75] J. E. Smith, *ibid.*, Dec. 15, 1875.
[76] I. D. M., *ibid.*, Sept. 19, 1876.

conceive of a more beautiful spectacle than that of hundreds of people leaving their work for a few days to devote themselves to prayer and praise. . . . Every service was well-attended, every sermon seemed endowed with special power from on high . . . and many were born to newness of life. . . . The communion service at night was a scene almost painful in its awful solemnity; . . . the sacred vessels were on a rude table; . . . there were deep Rembrandt shadows from which would emerge a face radiant with a light which was not of this earth. . . . The presence of God was felt and acknowledged by the cheering of the castdown, the comforting of the weary, the supporting of the weak, and triumphantly attested by the exultant songs of the new-born souls."

The extent to which the Methodists of South Carolina were moved by the revivalistic spirit is illustrated by the hold which such emotions had upon the church's institutions of higher learning. Although the members of college communities were not so unrestrained in their manifestations of divine grace as were their ruder brothers who attended camp-meetings, we have no reason to believe that their faith was less firm or their conversion less sincere. Unlike conditions in the average church college of the present, rational processes had not become the most approved means of arriving at religious convictions; nor had the higher culture become sufficiently powerful to impose its dictum that emotionalism in religion was an evidence of bad manners and lack of intelligence. South Carolina Methodists demanded and received from their colleges active propagation of their faith.[77] Fathers sent their sons and daughters to college to be confirmed in their faith, or if in the egotism of youth they had fallen into the sin of unbelief, they were sent there to be humbled through contact with the Infinite and to be born again through Christian experience. Few fathers were disappointed in their hopes.[78] Wofford College, the pride of the state conference and its only institution for the higher education of men, gloried in its success in teaching "a positive Christianity," in

[77] "We want," said the State convention of 1868," *ibid.*, Jan. 4, 1869, "an education based on the old-fashioned but irrestible principle that the readiest way of making a man a good member of society is to make him a good Christian."

[78] For example, many parents wrote the authorities of Wofford College thanking them for the conversion of their sons. *Ibid.*, March 4, 1870.

the extraordinary fact that the deportment of its students was so near perfect that its faculty for a period of many years did not find a disciplinary session necessary; in the work of such venerated professors as James H. Carlisle, Daniel A. Dupre, and Whitefoord Smith for the spiritual uplift of the people of the State, as well as its students; in the number of its students convinced of the wisdom of entering the ministry; and in those "gracious outpourings of the spirit" in the form of revivals with the result that the "students, with few exceptions, are professors of religion and members of the church."[79] George Pierce[80] said that a great revival in Wofford late in 1874 had resulted in the conversion of the entire student body, and that those "who tried to shake off the spirit had been moved by some strange power." The women college students were not behind the men in practicing orthodox Methodism. How pleasing to the minister who tells the story, and how unlike the practice of the college girl of the present, was the behavior of a group of students on their way from Columbia to Spartanburg in 1870 for the opening of the female college of the latter place! "As soon as it was light enough to read," says this minister,[81] "each young lady perused a chapter of God's word from her pocket Bible." As an illustration of how receptive the college girls were to the revivalistic spirit, we shall quote from President Samuel Lander's account of such a visitation in 1869 to Davenport Female College, located in that part of North Carolina which was then a part of the South Carolina conference. At a prayer meeting within the college, the president observed "signs of feeling" on the part of one or two girls. For this reason he invited them to visit his study the following afternoon. Several came "in great distress," and several went away "happy in the love of God." This was followed by more meetings which, before the week was over, resulted in the salvation of all but one student, who however was finally induced "to embrace Him with joy and comfort to her soul."

A remarkable fact about South Carolina Methodism during Reconstruction was that the political and physical distress which

[79] These statements are based on an examination of the *Reports of the Board of Trustees of Wofford College*, 1865-1876.
[80] *Southern Christian Advocate*, Jan. 27, 1875.
[81] M. M., *ibid.*, Feb. 25, 1870.

its members, along with other white South Carolinians, experienced seems to have in no way hindered the fervor of their religious experiences. In fact, the poverty of men on this earth may be said to have made more charming the riches of heaven above; there was little of material comfort of such a nature as to dull spiritual sensibilities or to make the life of Christian poverty odious in comparison; the political reverses of the white man's party taught the church the vanity of political intrigue and the wisdom of confining its activities to its own internal development; the cries of outside moralists against Methodists and other whites guilty of lawless violence against the negroes were not heard in those fervent prayer meetings where, as was natural to expect, only crimes committed against the clan—the white race—were recognized as such. The truth of these assertions can be made clear through citations of instances. "I have had," said the president of Wofford,[82] "the hardest time I have ever experienced in my life." "Our people," said an appeal asking for aid for this institution,[83] "hardly know what these noble men [the faculty] have passed through and how they are living to sustain our institution." The average salary of a professor in 1868 was only five hundred dollars.[84] Yet the thought of closing the college after the example of many other institutions in similar circumstances never entered the mind of the professors, and they continued with unremitted zeal and optimism the promotion of the religious and educational advance of the few youths able to attend the college. The state conference two years after the war was able to collect only one-eighth of the amount collected in 1863 for the sustenance of such important charges of the church as its superannuated preachers and the widows and orphans of preachers, and by 1873 this amount was only half of what it had been in 1863.[85] The average salary of the ministers of the State was approximately $600 per annum for the four years following 1869.[86] The meagerness of this living is apparent when it is realized that the family of the minister was usually

[82] *Ibid.*, March 23, 1865.
[83] *Ibid.*, May 10, 1867.
[84] *Report of the Board of Trustees of Wofford College*, 1868.
[85] According to the *Minutes of the Annual Conference of the Methodist Episcopal Church, South*, these amounts were $10,772 in 1863, $1,369 in 1867 and $4,745 in 1873.
[86] According to the computation of A. M. Chreitzberg, *Southern Christian Advocate*, April 29, 1874, on the basis of the earliest accurate statistics available since the war.

large, and that on account of the itinerate character of his duties he must maintain a horse and had no opportunity to supplement his income by maintaining a farm or garden. This $80 or $90 for each member of the preacher's family, said an authority,[87] stood in unenviable comparison with the report of the Sumter County grand jury of 1873, which said that a minimum of $108 per annum was necessary to support a pauper of that county. One minister was of the opinion that the thirteen dollars he was able to collect from his flock in 1866 for eight months' service was "not enough to shoe my horse."[88] Occasionally, a minister was forced to go about his circuit on foot because he had to sell his horse to provide for the wants of his family.[89] There were even cases of physical want.[90] Nevertheless, the work of conversion was uninterrupted. The people of Richland and Fairfield, when they heard that their ministers were without means of conveyance, sent their wagons and mules to fetch them. The Reverend Lucius Bellenger, although "stripped of every earthly comfort during the war," was reported as "standing by the cross—unfurling its banner and shouting to the charge."[91] A minister, after an extensive tour over the State, was able to report in 1867:[92] "The faith of the church is growing stronger by its trials—Christian sympathy is more fully developed—prayer is growing mightier and more prevailing." The following year Bishop Doggett, after a tour, was able to say: "I rejoice to say that though impoverished our people were never firmer or more resolute in their hold upon Methodism than at present."[93]

A few citations are now in order to show how the Methodists disassociated their religion from the political events of the day, and how they refused to pay attention to outside criticism of their conduct towards the negro. In the counties of York and Union, at the time when later investigations proved that many[94] negroes had been whipped or murdered by whites acting through

[87] Chreitzberg, *ibid.*
[88] R. C. Oliver, *ibid.*, Aug. 3, 1866.
[89] See reports of such occurrences.—*Ibid.*, Oct. 11, 1867.
[90] For example, from Horry came the report, *ibid.*, May 24, 1867, "Our itinerants felt terribly the pressure of hard times."
[91] *Ibid.*, Oct. 19, 1866.
[92] Whitefoord Smith, *ibid.*, June 28, 1867.
[93] *Ibid.*, Oct. 16, 1868.
[94] Testimony taken by the *Joint Select Committee on Condition of Affairs in the Late Insurrectionary States*, "South Carolina." (Washington, 1872).

the Ku Klux Klan, there seems to have been no let up in the revival spirit. "It is vain," wrote a minister from Bivingsville in the former county, describing a series of meetings lasting nine days which resulted in the conversion of forty,[95] "to try to describe the working of the Holy Spirit upon the minds and hearts of the people of this place, and the joyous effect following. The altar was not infrequently crowded to overflowing with anxious penitents crying aloud for pardon and mercy; and the house was sometimes made to ring with the shouts of the new converts." At the town of Union, said another minister,[96] "penitents crowd the altar. . . . The singing is grand; the shouts were glorious; and Jesus was there in the midst." From the county of Edgefield, at a time when Congress, the press of the nation, and even the official organ of the South Carolina conference[97] were roundly denouncing its citizens for the murder of a group of negroes taken captive in the Hamburg Riot of July, 1876, there were several protracted meetings. "In these times of excitement and peril," wrote a minister of the county,[98] "the power of the Gospel is felt and acknowledged, and sinners are convicted of [personal] sin and converted to God. . . . There are many mourners at the altar earnestly pleading for salvation." In the midst of the furious political activities of 1876, which resulted the following year in the overthrow of the Republican government of the State, while "the poor old racked and tortured mother state was quivering in every limb," a great crowd gathered at Binnaker's Camping ground to dedicate itself exclusively to "the revival of the church and the conversion of sinners." The "hard times" and the political problems of the day were not mentioned, and although for many weeks past incendiaries had been at work in the surrounding country-side, the fact that no damages to property took place while the faithful were absent at the meeting was attributed to divine protection.[99]

Yet, in spite of all that has been said to prove that South Carolina Methodism's chief source of power during Reconstruction

[95] A. R. Melton, *Southern Christian Advocate*, Oct. 21, 1870.
[96] J. Sanford, *ibid.*, Nov. 4, 1870.
[97] *Ibid.*, Oct. 24, 1876.
[98] *Ibid.*, Sept. 5, 1876.
[99] I. D. M., *ibid.*, Sept. 19, 1876.

was the ability of its preachers to move large portions of the State's population to conversion through high emotional experiences, there can be no doubt that post-bellum revivals were less intense and perhaps less frequent than those which shook the State before the war. "Certainly," said a post-bellum writer,[100] "Methodists are no longer given to that strange bodily exercise called the 'jerks,'" which had been witnessed by the famous Bishop Asbury on his tour of the State in 1803. There were even ministers, an old-timer deplored,[101] who since the war had come to regard shouting as undesirable. Frequently, reports of successful revivals contained such sentences as the following: "This is the most quiet meeting I have ever enjoyed;" "The penitents have given little external evidence of concern;" "There was not generally much outburst of feeling."[102] Although more numerous in the latter than in the earlier years of Reconstruction, the camp-meetings never after the war created the attention they did before. While this fact was deplored, it was regarded as the inevitable result of prevailing circumstances.[103]

The decline of the emotional side of Methodism, however, should not lead to the conclusion that the church was losing power—at least not as an institution of tangible social and material power. Certainly the decline was not due to a falling-off in virtue. Indeed, it may be said to have been due to the decline of rudeness and the increase of those types of virtue which Methodism, through its educational, moral, and social activities, has always insisted on imposing on its converts. It is a truism of religious experience that the more intense the sin and the ruder the convert the more intense is the process of conversion. Certainly it would be hard to conceive of a population ruder or more given to those types of sin which good Methodists deplored than the rural South Carolina population from which the church drew its converts before the war. For example, a notable itinerant, James Jenkins, on a visit in 1800 to Manchester near Sumter, had the exciting experience of having his service interrupted by a mob which took the bread from the communion table;

[100] *Ibid.*, Aug. 15, 1876.
[101] *Ibid.*, Oct. 9, 1866.
[102] From *ibid.*, June 28, 1867, and March 9, 1876.
[103] N. B. Ousley, *ibid.*, June 10, 1874, and editorial, *ibid.*, Aug. 29, 1876.

on his return to the same place, eleven years later, bricks were thrown at the church in which he ministered, and pistols and even cannon were discharged to disturb him.[104] A writer who examined the minutes of the old Wateree conference for 1809 remarked:[105] "The pictures given of society then are certainly not rose-colored. . . . 'Church people running for the bottle, getting drunk, and turning up jack. A free fight at Carter's Meeting House on the expulsion of a member, and the drunkard cursing in a religious assembly at Lancaster Village' . . . Whiskey and peach brandy so abounding that preaching was postponed until the drunkards had gone home." No such conditions existed among the Methodists after the war, and naturally the intenser sort of conversion was not expected of them. There were even towns like Spartanburg or Cokesbury which approximated the twentieth century ideal of a correct Methodist community. There the Methodists dominated socially and in numbers; they were thoroughly indoctrinated in the ideals of the faith through their own week-day and Sunday Schools.[106] But of course sin and rudeness continued to exist in varying degrees both among members and prospective members, and the church felt itself obliged to continue its agencies of social uplift. In these agencies lay a great portion of its strength during Reconstruction, and through them it was perhaps a stronger institution than it was before the war. It is now our purpose to describe their workings.

The greatest weakness of the church during the early years of Reconstruction was its lack of sufficient funds to carry on its work of amelioration. Undoubtedly the fact that its membership was poor partly explains the poverty of the church; but it was also true that South Carolina Methodists were no exception to the universal rule that Protestants are inclined to give sparingly of their means for the support of their agencies—at least this is how the beneficiaries of the South Carolina church explained their poverty. A minister in 1866, in writing of the "refreshing news" of revivals in his community, also noted the "worldliness" of his congregation, which took the form of excessive stinginess. "Forty-nine fiftieths of the Methodists," he

[104] *Ibid.*, Aug. 8, 1876.
[105] *Ibid.*, July 25, 1876.
[106] G. Pierce's description of Spartanburg, *ibid.*, Jan. 27, 1875.

said,[107] "had not paid a cent this conference year. . . . The people seem in other respects to love their preacher very much. They are kind and hospitable, give me the best they've got when I go to see them, yet contribute no money. . . . I am willing to do all that I can to assist them into getting into Heaven. Still, when money is required, they do not respond." Yet they were wearing new bonnets and dresses. The Columbia quarterly conference of June, 1868, declared that the excuses of the people for not more adequately paying were "in many instances weak and frivolous," and that there were persons crying poverty who presented "most respectable appearances to the public, and their tables are still crowned with an abundance of substantial food."[108] The people were being constantly told that the two church colleges devoted to the education of women were closed, and the activities of Wofford College greatly handicapped, by the lack of finances and the failure of Methodists to send their sons and daughters to church schools. Elaborate statistical tables were published to show the absurdly low average contributions of members,[109] to what degree the conference failed to meet its assessments, and how many members gave absolutely nothing. These and countless other pleas for funds bore fruit in constantly increasing revenues which made possible the reopening of the Columbia Female College in 1873; the establishment of an orphan asylum and a modest endowment for Wofford, the rebuilding of churches destroyed by the war and the replacing of the almost primitive meeting houses with which ante-bellum Methodists had been content by more substantial structures, and a steady increase in the salaries of ministers. It is true that the ministry never grew rich, that the church never got as much money as it might have reasonably spent, and that Methodist congregations never grew prodigal in their gifts; but both the clergy and the agencies of the church received enough money to carry on their work satisfactorily.

One material asset, inherited from earlier times, the church seemed never to have lacked during Reconstruction, however meager may have been its resources in other respects. This was

[107] R. C. Oliver, *ibid.*, Aug. 3, 1866.
[108] *Ibid.*, July 10, 1868.
[109] This average in 1873 was $2.38—A. M. Chreitzberg, *ibid.*, April 29, 1874.

a thoroughly masculine clergy endowed with all the strength of lungs and avoirdupois necessary to impose messages of divine grace upon all sorts and conditions of men. A Presbyterian minister who was present at the state conference of 1868 was impressed by "the strength and health . . . the extended girth and rubicund faces of the Methodist divines."[110] A Methodist, taking offense at some slights which the Presbyterian had slipped among his compliments, gave some concrete illustrations of the physical power of some of his brothers. One prominent minister, he said,[111] was possessed of a Falstaffian frame of 270 pounds. "His face is as fat as his body. . . . He eats!—yes, eats more heartily than ordinary men—not ambrosia, but simple hog and hominy. He drinks; aye, freely—but it is not sack or brandy; but simply water, tea and coffee. He sleeps, and that so soundly and sonorously that he generally monopolizes all of that blessed commodity which happens to be in the house at the time. . . . He can sing you a song, or make a temperance lecture at the shortest possible notice, mend watches, manufacture a watch chain or explain a steam engine." He told of another prominent minister who was "fat, very fat." A third was a veritable Hercules in size, "six feet, six in his stockings;" yet "if his ponderous body is held in place by the law of gravitation, his hands and feet submit to no such restraint." "The ministers no longer wear a special dress," remarked an old minister, ". . . the hair of their face is suffered to grow as long as the hair on their heads."[112] There was much evidence of good eating among the ministers—"good roast beef and lamb," and the drinking of "lemonade, if not disguised church brandy smashers."[113] One minister of Anderson came to the conclusion that he was "a little spoiled" on account of the liberality of his congregation in providing for his physical wants. On his arrival in the town, he and his family were lodged at a hotel free of cost for a month and then conducted to "a fine parsonage" where there were "blazing fires, a well-prepared supper, wood at the wood-pile and a plentifully supplied larder."[114] These ministers had certain

[110] J. O. L., *Southern Presbyterian* (Columbia), Dec. 27, 1868.
[111] *Southern Christian Advocate*, Jan. 15, 1869.
[112] "Father" D. Derrick, *ibid.*, Jan. 29, 1869.
[113] *Ibid.*, Oct. 21, 1869.
[114] *Ibid.*, Feb. 14, 1868.

qualities in their favor not possessed by their less weighty if more cultured successors of later generations.

Another manner in which South Carolina Methodism maintained its strength was through the ever-increasing zeal with which it endeavored to enforce the strict moral discipline so characteristic of its branch of the Christian faith. The authorities of the church were by no means willing to depend solely upon conversion as assurance that the member would lead the Christian life, and never hesitated to point out the moral weaknesses of their own members. Some even indulged in gloomy statements about the moral decay which were hardly justified by the facts involved. For example, the following came from Horry in 1865: "Here, as almost everywhere, the church has suffered terribly. Morals have become lax, the backsliding frequent, and in some neighborhoods the church is in such a condition as to dishearten its ministers."[115] The following year the committee on church extension of the Greenville district conference reported moral laxity among its members: "Dishonesty and deception are seen in the disregard of, or the lightly esteeming of, individual contracts and solemn obligations—pride and worldly-mindedness are seen in the mania for fashion, extravagant dressing, and in unseasonable and sinful amusements—intemperance in the disposition to manufacture and sell and use ardent spirits. And a decline of vital godliness is apparent in the neglect of the various means of grace."[116] Many methodists were reported in 1868 as having "strange chronic diseases for which they took 'bitters.' "[117] The committee on temperance of the state convention freely admitted that the church contained members who sold or took intoxicating drinks.[118] In 1876 it was reported that the entire membership of only two churches in Greenville County were free of the drinking habit.[119] Such un-Methodistic conduct called for moral discipline which often secured positive results. The same minister who brought charges of moral decay against the Methodists of Horry reported for the following year "order and harmony in the churches."[120] The

[115] Reverend G. H. Wells, *ibid.*, Sept. 28, 1865.
[116] *Ibid.*, Oct. 4, 1876.
[117] "South Carolina," *ibid.*, March 6, 1868.
[118] *Ibid.*, Jan. 5, 1876.
[119] *Ibid.*, Aug. 22, 1876.
[120] *Ibid.*, Sept. 28, 1866.

Methodist ministers of Greenville carried out their resolve to "get rid of all dancing, revelling, dram-drinking, would-be Methodists."[121] Other congregations expelled such undesirable members. The church officially frowned upon church fairs as a means of promoting gambling, although the tolerance of such fetes meant profits to the institution.[122] Although the casuists of the church experienced great difficulties in reconciliating the doctrine of total abstinence from alcoholic beverages with the conduct of certain Biblical worthies, the church did its utmost to further this cause. Temperance lodges were organized; total abstinence pledges were entered into; the committee on temperance of the state conference of 1874 spoke of intemperance as the "cause of nearly nine-tenths of crimes and untold suffering and ignorance. . . . It is the means of carrying thousands of our fellowbeings to drunkards' graves and drunkards' hell;" and the conference itself reaffirmed its opposition "to a vice which entails taxes and losses upon the people far in excess of the revenues derived from their sale."[123] Although the church during the Reconstruction period was not able to make its influence profoundly felt in this respect, there can be no doubt that it was no small factor in forming the sentiment which gradually effected prohibition after 1880. The church also manifested opposition to less fundamental vices which, unlike drinking, were to become little less than virtues in the opinion of future generations. Dancing was looked upon as positively sinful. "Let the sexes promiscuously indulge in this fascinating art," said a prominent minister,[124] "and see at once the tendency to dissipation and lasciviousness." Foot races and baseball, said this same minister, are suitable for children but not for adults. It was positively foolish for grown men to engage in races—"the restless combatants in grotesque uniforms of fancy colors." "Baseball artistically improved, and appropriated by men, is at present doing no small amount of injury to the country."[125]

In the midst of its many other activities the South Carolina church never neglected cultural opportunities. The fact that

[121] *Ibid.*, Aug. 3, 1868.
[122] See resolutions of the State conference of 1872. *Ibid.*, Jan. 8, 1872.
[123] *Ibid.*, Jan. 6, 1875.
[124] Henry A. Mood, *ibid.*, Nov. 18, 1874.
[125] *Ibid.*

the general cultural level among Methodists was much lower than among Presbyterians and Episcopalians was due more to the fact that its membership had largely sprung from the rude antebellum frontiersmen than to any neglect of its educational opportunities. Contrary to the theory of those who hold that, on account of its traditional emotionalism, the church opposes sophistication because it tends to lessen this influence, one finds no evidence that the church, in South Carolina at least, has ever done less than its best by education In fact from education the church has gained much—the indoctrination of its members, a wider dissemination of its literature and the discipling of its membership. Its notable educational accomplishments during Reconstruction were the keeping of its principal college, Wofford, open; the reopening of Columbia Female College in 1873; the opening in the previous year of Williamston Female College (later Lander College of Greenwood); and the maintenance of the Cokesbury Conference School, although crippled by lack of funds and students. The type of education given by these schools was by no means inferior to that given in them or their successors at the present day. Although the attention given religion was too extensive to suit the taste of the modern educator, and although the curriculum was narrow and the laboratory and library facilities quite meager, one is impressed with the utter seriousness with which the students followed their studies, the zeal with which the professors instilled Latin, Bible, Logic and Mathematics, and the fact that the Methodist ministers who acted as professors substituted for their lack of scholarly experience gifts of warm personalities and self-sacrificing devotion to duty. These colleges were not unaware of the cultural enthusiasms then moving the outside world. For example, the young women of Columbia Female College, in addition to the traditional French, music, and Bible, found opportunity for such progressive subjects as kindergarten training, calisthenics, telegraphy, photography and typesetting.[126] That Wofford College was alive to the world of Gladstone, Herbert Spencer and abstract liberalism as well as to the traditions of the Old South, is proven by the subjects of the orations delivered there. They were: "The Great

[126] Advertisement in *ibid.*, Aug. 15, 1876.

Eclipse of August Next," "The Ruins of Time," "The Physical and Moral Power of Coal," "The Passions," "The True End of Study Consists in the Leading Out and the Discipline of the Mind in Order to Apprehend the Truth and Attain the Highest and Best Ends of Human Existence. And that the Progress in the Scientific World Ran Parallel With, and Indicated the Progression Which Might Be Made in the Moral and Religious World," "My Task Is Done," and "All Earthly Flowers Are Fading."

The great importance which the church attached to organizations designed to promote the spiritual and moral welfare of its members should not lead us to the conclusion that the South Carolina Methodists, either lay or clerical, were a group of gloomy saints altogether abjuring the pleasure of this world. In theory, perhaps, the church existed only for the moral and spiritual welfare of the faithful—it as yet took no deliberate part in organization designed to promote worldly pleasure. But in practice one of its principal drawing cards was that it gave opportunity to lonely farmers and their families for social gatherings. It was an open scandal that the spiritual ends of camp-meetings were often subordinated to downright worldly enjoyments in the form of the display of new bonnets, bountiful dinners, and the animated chats on subjects far removed from the spiritual. Even the church itself was not an enemy to certain forms of conviviality. It imposed no long fasts or pleasure-killing asceticism. The ministers were often jolly fellows given to jokes and amusing yarns. It promoted such occasions of joy as Sunday School picnics. For these celebrations the children and many of the adults of a neighborhood would gather at a church. After several short addresses, prizes were given to deserving boys and girls, and the congregation beneath nearby oaks would then partake of a sumptous dinner free to all who came. Another occasion of great joy which had official sanction was the commencement of Wofford held each July over a period of four days. These gatherings were featured by sermons, a literary address by some visiting worthy, public examination of the students in their knowledge of the Bible, and addresses by each member of the graduating class. In 1876 "a large and eager audience" at one sitting listened to no less than twenty-one ad-

dresses from that number of graduates, and evenings were given over to "innocent amusements and sweet social converse" with "fair ladies."[127]

[127] See especially the commencement of 1869 as described in *ibid.*, July 30, 1869.

DEBATE ON THE FISHER RESOLUTIONS

By A. R. Newsome

[*Continued from the October, 1927, Issue*]

Mr. Helme[43] rose, and made some remarks against the indefinite postponement of the Preamble and Resolutions; which, as the Reporter did not distinctly hear them, and Mr. H. though applied to, has declined to furnish a sketch of them, we are under the necessity of omitting.

Mr. Roane[44] said, that when these resolutions were first introduced, he saw no great objection to them, but, on examining the Preamble he thought it very improper. He was therefore opposed to the proposition altogether.

The 18th section of our Bill of Rights, says, "that the people have a right to assemble together, to consult for the common good, to instruct their representatives," etc.[45] He saw no impropriety in our members of Congress meeting together, and advising their constituents as to the candidate for the Presidency most likely to answer their expectations. There was nothing in this that infringed any principle of the Constitution. His constituents knew but little of Mr. Crawford, Mr. Adams, or Mr. Calhoun. And where must they enquire for information? —Their neighbours know as little of these gentlemen as themselves. To whom, then, can they apply with more prospect of success, than to our members of Congress? What he wished was, to have the people well informed. For himself, he had little preference for any of the candidates. He did not believe the Members of that House were expected by their constituents to instruct our members in Congress. All the rights which the people have not delegated are reserved to them; but one of the first things we see in the Preamble to these Resolutions, denies to our members of Congress the right to act in relation to the Presidential question, as they judge proper. We, in our courthouses and other public places, meet and consult on public affairs whenever we please, and yet it is proposed that we shall say to our Representatives in Congress you shall not meet together. For his part, he was willing to hear the opinion of our members of Congress, on this subject or any other. He did not think either he or his constituents would be injured by it.

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[43] Robert H. Helme of Johnston County, member of the House of Commons, 1823, 1824. *North Carolina Manual, 1913*, p. 669.

[44] William Roane of Burke County, member of the House of Commons, 1823. *North Carolina Manual, 1913*, p. 521.

[45] Constitution of 1776, Section 18 of "A Declaration of Rights." H. G. Connor and J. B. Cheshire, Jr., *The Constitution of North Carolina, Annotated*, lxviii.

Mr. ALSTON,[46] had hoped, that the Preamble and Resolutions now before the House, would have taken a different course, he wished the motion to postpone them indefinitely had not been made, and that, they might have been permitted to have been referred to a committee of the whole House, where their merits and demerits would have undergone a full and fair investigation; but as the motion to postpone indefinitely precluded him from any attempt to shape them as he wished, he should vote against it, with a view, if the motion should not prevail, to propose such amendments or modifications as would make them acceptable to himself, and perhaps to others situated as he was.

He did not believe with gentlemen who had preceded him in this debate, that Caucuses either violated the letter or spirit of the Constitution; for although there was a clause in the Constitution of the United States, that said no member of the Senate or House of Representatives should be an Elector, it could not be construed in such manner as to prevent them from expressing an opinion as individuals, who they might prefer as President and Vice-President of the United States. He himself has been in several Caucuses, and never thought he had violated the letter or spirit of that Constitution we had all so solemnly sworn to support. When the contention of parties in this country was at as high a pitch as they ever had been before or since, he well knew, that both sides had caucused: he alluded to the celebrated contest between Jefferson and Adams, when Jefferson succeeded to the Presidency of the United States. He would mention a circumstance which tended to shew what he said was true. At the preceding election, Charles Cotesworth Pinckney was run with Mr. Adams, who, at a Caucus, was withdrawn, and Maj. Tho's Pinckney substituted in his place.[47] He never considered the minority absolutely bound in a Caucus to surrender their opinions to the majority, for he well remembered that a Resolution was once submitted in Caucus so to bind them, and being objected to, it was withdrawn. Generally speaking, the will of the majority had been acquiesced in. In fact, he never knew an instance to the contrary; for the object of a Caucus was to harmonize and unite the party, so that a division should not take place, and give their opponents an opportunity of taking advantage of their divisions and place a man in the Presi-

[46] Willis Alston, 1770-1837, of Halifax County, was a member of the House of Commons, 1790, 1791, 1792, 1819, 1820, 1821, 1823, 1824; of the State Senate, 1794, 1795; and of the House of Representatives, 1799-1815, and 1825-1831. *North Carolina Manual, 1913*, pp. 638, 640, 915-920, 924-926. W. E. Dodd, "Willis Alston," in S. A. Ashe, *Biographical History of North Carolina*, VI, 1.

[47] The speaker seems to have been confused or misquoted on this point. Thomas Pinckney was Adams' running mate in 1796. In 1800, Charles Cotesworth Pinckney replaced his brother Thomas on the Adams ticket. Both seem to have been selected as candidates for the vice-presidency by Federalist members of Congress. E. Stanwood, *A History of the Presidency*, pp. 44, 58.

dential Chair against the will of the predominant party. But, said Mr. A. is there in the present contest for a President of the United States anything like that state of things which heretofore existed? Certainly not, there is no contest about party, nothing like principle involved in the question. All the candidates who have been brought before the public, are of the same politics, and all of them had distinguished themselves as honorable and patriotic men, and which ever of them should fairly be elected, he should cheerfully support the administration of, provided he did not violate the example and principles which his great predecessors had set before him. Mr. A. further observed, that if gentlemen would take a survey of the U. States, they would find, if he might be allowed the expression, that the most high-toned of each of the old contending Parties, were divided about who shall be our next President, and was there any thing strange in this? He contended that the best, wisest, and most patriotic men in our country, perfectly uniting in principle, may honestly differ about men. He said, that the present was a contest about men, and not about measures.[48] He therefore did think, that any measure calculated to prejudge or bias the intelligent and enlightened people of the American Republic, in the exercise of their free choice, at this time, and under existing circumstances, useless, unnecessary and improper. Leave the people to exercise their own independent will, and they seldom err. He had no objection to declare this as a legislator or an individual; at the same time, he expressed his decided disapprobation of the Preamble and Resolutions as they now stand; but reject the motion to postpone, and you have then[m] perfectly at command, you can alter, change or modify them as you please. It does not follow at all, if you reject the present motion to postpone indefinitely that these resolutions are to be adopted: for he should vote himself against passing them, unless modified to suit his views. Are gentlemen afraid to meet the question fairly, openly and manly? He hoped not, why then not let us have an opportunity of placing the question before the enlightened and intelligent public in the best possible shape in which it is susceptible? Mr. A. further observed, that his great objection to the election's finally going into the House of Representatives had very much diminished, when he took a view of the late

[48] The chaotic political situation in this period of the gradual reorganization of parties was confusing to contemporaries. However, it was not held by all that "the present was a contest about men, and not about measures." There were sharp differences within the Republican party on measures and principles. During the campaign in North Carolina, Crawford leaders declared it to be a contest of parties, alleging that Calhoun exemplified Federalist principles and measures. The Crawford opposition, in an effort to unite the Calhoun-Adams-Jackson strength on the caucus issue, said the contest was one of measures rather than men. *Raleigh Register*, Feb. 24, 1824; *The Star*, April 2, 1824.

Amendment to the Constitution of the United States.[49] Before this Amendment took place, a choice had to be made from the five highest upon the list of those voted for as President and Vice-President of the United States; by the amendment, the House of Representatives are to make an election out of the three highest voted for as President. Could gentlemen see no difference here? As the Constitution formerly stood, one large state might bring its candidate within the five highest, and prevent an election by the people; but now, it would take a combination of three of the largest states to accomplish that which one might have done before the Amendment. Again, in the event of no election being made by the House of Representatives, the Amendment provides that the Vice-President shall become President. You will, therefore, be sure of a President, whether the House of Representatives make an election or not. This provision he considered of vast importance; for he well knew that an opinion prevailed among the best and wisest men in the nation, that, in the event of no election being made, as the Constitution stood prior to the Amendment, that the Union was dissolved; that we should have been left without guide or compass to steer the National ship.

The gentleman from Beaufort, (Mr. Blackledge) has emphatically told us, that we are, by this motion, to test, whether we approve or disapprove of the Preamble and Resolutions as they now stand. Had it not been for this remark, he (Mr. A.) might have been spared from troubling the House with any observations. Now, Mr. Speaker, continued he, can this motion try the question, when so many of us declare we are opposed to the Preamble and Resolutions as they now stand, but have no objection of expressing our opinion as to the propriety or impropriety of a Congressional nomination? If a Congressional nomination amounts to an election, as gentlemen I have no doubt believe it will, or why so solicitous for it, he, for one, would prefer, at the present time, when all party distinctions were lost, that the election should go into the House of Representatives, rather than to be thus made. He feared nothing from a combination of small States. Let any gentleman cast his eye around, and take a survey over the U. States, he would find the small States scattered over this wide-extended continent and intermixed between the large States possessing totally different interests and views; an union therefore, of small States to the prejudice of the union, is next to impossible, neither had he any fear that corruption would or could find its way into the House of Representatives. But,

[49] The twelfth amendment, whose ratification was proclaimed by the Secretary of State, September 25, 1804.

on the contrary, in Caucus, a few large States combining together, taking with them a few small States, could make an election. For instance, let New York, Pennsylvania and Virginia combine, and they will fix on you whom they please.[50] And is it at all unlikely that one or two demagogues in each of those States may sway the balance? Here, then, you can have a President palmed upon you by a fewer number of members of Congress, than you would be likely to have, if the election should finally go into the House of Representatives? Why, then, shall we be deprived, by the present motion, of expressing our opinion in that shape that best suits our views? If the resolutions cannot be made satisfactory to the majority of the House, they can still be rejected, or even then postponed, if it be the wish of the majority.

Mr. A. said, he did not intend to follow the example of some gentlemen, by making remarks to the prejudice of any particular candidate, he would, however, take the liberty of stating to the House, what would be recollected by every Member in it, that some two or three sessions of Congress past, a certain set of motion-makers had started up in Congress,[51] for their motions had been printed in every part of the United States, calling for information, as he verily believed, to create a prejudice against the present administration. They soon found themselves mistaken, and they changed their mode of attack. If his memory served him, their next attack, Mr. A. said, was directed at the head of the State Department;[52] but when the doors of his bureau were thrown wide open to the call, and every thing they called for given, clamour on that head was soon hushed into silence. Their next attack was directed against the War Department,[53] and if one hundredth part of what was said and insinuated, had been true, he was quite certain that the officer who presides over that department, would not, in this Assembly, find a man to raise his voice in his favor; but what was the result, that officer, with a promptitude that always characterizes his conduct, gave all that was called for, and completely, put to shame those who had made the call. He shewed to them and the nation, that instead of extravagance and waste, he had brought chaos to system, and had actually, by his arrangement, saved millions to the nation. He had reduced the expense of each man in

[50] These states had a combined congressional delegation of 88.

[51] A faction of the Republican party, recruited chiefly from the Southern States and New York, was called the Radical party. The Radicals were advocates of strict construction, state rights, economy, and a narrow sphere of governmental activity. They regarded themselves as the only genuine Republicans of the Jefferson school, but the nationalistic Republicans who dominated the party for several years after the War of 1812 regarded them as obstructionists and Crawford as their favorite for the presidency.

[52] John Quincy Adams.

[53] John C. Calhoun. Meigs states that from 1819 Calhoun was "pestered with prying inquiries in regard to every matter under his charge." He regards these inquiries as a part of the Crawford strategy in the Calhoun-Crawford contest for the support of the South in the presidential election of 1824. W. M. Meigs, *Life of John C. Calhoun*, I, 261-262.

service nearly one half. He asked gentlemen to recollect what had recently taken place far up the Missouri river. American citizens had been butchered, plundered and deprived of their hard earnings, the ground had been stained by the blood of white men, by the savage tomahawk and scalping knife, and many thousand dollars worth of property lost, all of which was owing to this party, who prevented by their motions in Congress, a force from marching in time to take post high enough up the river, so as to have saved harmless, such of our enterprizing citizens who might have ventured in pursuit of game. It would seem as though the Secretary of War had foreseen the events which have followed; for he had actually given orders to march an armed force, and to erect a fort high enough up the river, to have prevented what has occurred, but was prevented by an interference, improper and unwise, to say the least of it.[54] He should, therefore, unless gentlemen permitted him a fair opportunity of amending the Resolutions, be compelled to vote against the motion to postpone indefinitely.

Mr. CROOM.[55]—I should consider myself chargeable with a dereliction of the duty I owe that respectable portion of the State, which I have the honor to represent, were I to remain silent on the important question now under discussion. These Resolutions propose, by an expression of the legislative will, to discountenance the dangerous practice of Caucusing, and to recommend that the district mode of electing Electors should become uniform throughout the Union. To both these propositions I am decidedly friendly. An ardent admirer and sincere friend to our free institutions, I shall always contribute my best efforts to their preservation, and oppose with alacrity any attempts threatening their existence or purity. The brightest feature in our charter of liberty, and one upon which our political fabric is mainly based, is the right of free suffrage. That this right becomes important as the object for which it is exercised is so, must be conceded. No person can then deny, that this right is in no other instance, of its exercise so valuable, as in the election of the Chief Magistrate of the Union. Did the venerable sages who framed our Constitution view the subject in this light? That they did, no one can doubt, who will bestow a moment's reflection on the anxious solicitude which they evinced to guard the purity of the Presidential election, whether threatened by aspiring demagogues at home, or by selfish and corrupt intriguers from abroad. If there be any one part of our Constitu-

[54] *Works of Calhoun*, V. 62, 137-147; W. M. Meigs, *Life of John C. Calhoun*, I, 244.
[55] Isaac Croom of Lenoir County, member of the House of Commons, 1823; Senate, 1826. *North Carolina Manual, 1913*, pp. 679-680.

tion on which its framers bestowed greater consideration than on any other, it is that part which secures the purity of the election of our Chief Magistrate. The happy plan devised, shews at once their wisdom and the success of their labours. There were two prominent evils apprehended, and against which they were to guard. The one was the tumult, passion and disorder, incident to all large assemblies; the other, the cabals, intrigue and corruption, to which all pre-existing bodies are exposed. The plan devised and incorporated into our Constitution, happily avoids both these evils. Our Electoral College assembles in detached and small bodies, and has but a brief existence. But to both these objections is Congress, as an electing body, liable. It is a large and pre-organized body. We are told, however, that members of Congress are not the Electors of the President. Let gentlemen, however, look at the fact, and candour will oblige them to admit, that according to the Caucus plan, the members of Congress virtually elect the President of the United States. Their nominaion is, in effect, a dictation. This ought not to be so. It is an unholy usurpation of power not delegated by the Constitution, and exposes us, in the choice of a Chief Magistrate, to all the evils against which the framers of our Constitution designed to secure us. I consider the Caucus meetings held at the City of Washington, for the purpose of nominating a candidate to fill the office of President of these United States, as unconstitutional, anti-republican, dangerous to liberty, and operating injustice to the rights of the small States. Unconstitutional, because the members of those meetings practically transcend their constitutional powers; anti-republican, because they are calculated to rear up a political Aristocracy, and thereby vest in the few that power which belongs to the many; dangerous to liberty, because they are, in truth, an usurpation of some of the dearest rights of freemen; and injurious to the rights of the small States, because they are thus deprived of the chance which the Constitution guarantees to them of having an equal voice with the large States in the election of a President, whenever the choice devolves upon Congress. These positions, if not self-evident, have been so ably established by my honorable friend from Rowan,[56] that it would be superogatory for me to dwell longer upon them. We have been told by the gentleman from Beaufort,[57] that these Resolutions were introduced with a view to the Presidential question. Sir, to my mind it seems disingenous, when propositions are before this House, stamped with public good, capable of bearing the test of ages, and divested of every

[56] Charles Fisher.
[57] T. W. Blackledge.

local, temporary or party feature, to endeavor to excite the prejudices, and blind the understandings of those to whose consideration they are submitted. Do these Resolutions wear any thing of this kind on their face? They exhibit the fair aspect of Republicanism; they are politic and ought to be adopted. But gentlemen object to a principle contained in these Resolutions, the right of the constituent to instruct his Representative. They have been repeatedly told by the friends of the bill, that if an opportunity were given, they would willingly put them in such a shape as to render them unexceptionable in this respect. This liberty, however, has been denied them. I sincerely hope that a majority of this House will afford an opportunity so to amend the Resolutions as to make them an expression of the will of the Legislature, as I believe such an expression would have a direct tendency to put down the practice of which we complain.

The gentleman from Caswell,[58] gravely tells us, that though members of Congress are prohibited to be Electors, yet that should not prevent them from meeting in their private capacity, to recommend some suitable person for the Presidency. Sir, no one who has observed the effect of such recommendations can deny but they are in truth dictations. In what instance, I would ask, has the recommendation of a man to this office failed to insure his election? I have no doubt but members of Congress, through the instrumentality of Caucuses, do indirectly, what the Constitution prohibits them to do directly—not merely designate, but make the President. Again we are told, that a Caucus is necessary to keep the dominant party in power. Sir, it is well known that at present there is but one party in the United States—all are friends of the present administration. If any parties do exist, they are but in embryo, and have been produced by the conflicting claims to the Presidency.[59] It cannot be said that there is, at this time, any dominant party. But if there were such a party, shall we adopt a principle, which clothes with authority a body of men, in open and manifest violation of the genius of our Constitution? Let me further ask, if it has always happened, that the interests of the dominant party is [are] identified with that of Republics? History teaches us such parties have often proved the bane of free governments. Often, under the specious pretext of promoting public good, have they abused their power to secure self-aggrandizement. Until, therefore, it is shewn, that there is a dominant party, and that the interest of that party is the same with the interest of the gov-

[58] Bedford Brown.

[59] The literature of the campaign shows that many on both sides understood that the party cleavage was not produced entirely or even chiefly by personal rivalries.

ernment, it is believed that this argument of gentlemen can avail them nothing. It has been said, by my worthy friend from Beaufort,[60] that opinions of eminent men against Caucuses are not to be regarded; but I trust, that this House will respect such opinions on this as well as on other subjects. The father of his country has said "that all combinations of individuals for the purpose of controlling or influencing the free exercise of Constitutional rights or powers, are seriously to be deprecated." Here is a direct and unequivocal condemnation of Caucusing by the greatest Patriot and Statesman of any age.

Gentlemen say, that we are unnecessarily consuming the time of the House by this discussion. Sir, in my humble opinion, the time of this House could not be better employed, than in discussing a question of such vital importance to the welfare of our constituents. It is of more importance to the good of our State, to put down Caucuses, than to restore to credit rogues and swindlers. The gentleman from Caswell[61] informs us, that a Caucus nomination has no binding influence. This is really new. I believe however, it will not be found correct in fact; as no one can say, that such a nomination has not the same effect as if it were obligatory. What is the practice? Members of Congress go into Caucus and nominate their candidate. The members of the State Legislatures then go into Caucus, form an Electoral ticket, and recommend the Caucus Candidate and the Caucus ticket to the support of the people, which proceedings produce the same result, as if they were sanctioned by the Constitution. And thus, Sir, are the freemen of this country ingeniously divested of a most sacred and invaluable privilege. We contend that members of Congress have no right to form a Caucus for the purpose of influencing the Presidential election; because they are elected for an entirely different purpose. When they act in any other capacity than as Legislators, they transgress their Constitutional powers. When they do it with a view of influencing the election of the Executive, they encourage an union of the distinct Departments of the government, which, if effected, would produce tyranny and anarchy.—Members of Congress are moreover exposed to the improper influence of the Candidates who will generally be at the Seat of Government, and it would be saying too much for human nature to assert, that these Candidates, will not frequently use every means to promote their ambitious views. We have been told, that it would be improper to adopt these Resolutions, because one of our Senators is too

[60] T. W. Blackledge.
[61] Bedford Brown.

venerable and virtuous to be instructed by this body. In this country, Sir, we should never allow the creature to be esteemed greater than the Creator. But if all our delegation were like the Gentleman alluded to it would be useless to pass these Resolutions, as it is well known he never attends Caucus meetings.[62] Others of our Representatives, it is to be feared, have not the same scruples. The Legislature of Tennessee has been referred to, as having recently passed similar Resolutions. An attempt is made to impair the force of this example, and how? By saying that Tennessee has eternally disgraced herself by refusing to the citizens of North Carolina the right to sue for lands in her Courts.[63]—We are told, that this one act so irretrievably darkens her character, that she is a stigma on the house from which she sprung. Sir, with this blot on her escutcheon, we have cause to be proud of our offspring. The citizens of Tennessee are high-minded, intelligent and enterprising. They are distinguished in the field and in the Cabinet. Her sons have displayed acts of gallantry and noble daring which would do honor to the proudest nation of the earth. Let then, the example of Tennessee have its full weight. Aware that I shall be followed by gentlemen who are more competent than myself to do justice to this important subject, I will not trespass any longer on the patience of this honorable body—I hope the Resolutions will not be indefinitely postponed.

Mr. J. F. TAYLOR,[64] next rose; and we are sorry that though we had handed him our notes for the purpose, the pressing engagements of this gentleman have prevented him from writing us a correct copy of his Speech on this occasion. We are, under the necessity of giving to our readers such a sketch of his remarks as we are now able to make out.

Mr. T. commenced by justifying the motion under consideration, which, by its opponents, had been called illiberal and unparliamentary. He contended that it was right for those members who thought it improper to pass any resolution like the present, to move an indefinite postponement of the question, by way of trying the principle; for if a majority of the house should

[62] Nathaniel Macon.

[63] North Carolina and Tennessee were involved in a long controversy over the validity of warrants granted by North Carolina to her revolutionary officers and soldiers of the Continental Line for lands to be located in the western part of the State which was in the region ceded to the United States in 1789 and admitted to the Union in 1796 as the State of Tennessee. In 1799 Tennessee declared her sovereignty over all ungranted land within her borders, and in 1801 subjected every act toward marking or surveying land under title from North Carolina to a penalty of $5,000 and excluded all grants of such origin from the Tennessee courts. For accounts of the whole controversy see W. K. Boyd, *The Federalist Period, 1783-1860*, pp. 74-76; K. P. Battle, *History of the University of North Carolina*, I, 378-399.

[64] James F. Taylor, 1791-1828, a native of Chatham County, was a representative of Wake County in the House of Commons, 1823, and attorney general of North Carolina, 1825-1828. *North Carolina Manual, 1913*, pp. 444, 929; J. H. Wheeler, *Historical Sketches of North Carolina*, II, 85.

prove to be of this opinion, it would save the time which would be consumed in attempting to amend the proposition.

Are we prepared, asked Mr. T. to assume a power which we are unwilling to allow to our Members in Congress, by giving to them instructions how to act, though we deny their right to meet together, and to give us any information on the subject of the Presidential Election? Gentlemen had gone so far indeed, as to say, that it is unconstitutional for Members of Congress to express an opinion on this subject, though he knew of no article in the Constitution that gave any countenance to such an opinion. It is true, that Members of Congress are prohibited from being Electors; but they are surely as much at liberty to give their opinions in favor of this or that candidate for the Presidency, as any other of our fellow-citizens.

It is given as a reason why Members of Congress ought not to interfere with the election of the President, that the Executive and Legislative Departments should always be kept distinct. But does the expression of an opinion by Members of Congress of the fitness of a candidate for the Presidency, bring these two powers in contact? Do we not even elect our Governor, and yet our Legislature is not charged with an improper interference with the Executive branch of the Government.[65]

It is said, that if the recommendation of a Caucus has no effect on the election, it is useless; and if it has an effect, then the Members of Congress elect the President. This is surely not the case; it is merely a recommendation, which will receive no more attention than it deserves.

It is true, that those who nominate a man for office, give their aid and assistance in electing him; but if the nomination be not agreeable to the people, it will by them be discountenanced, and will not prevail. And Members of Congress knowing this, no man will ever be nominated at Washington, who is not esteemed the most popular man in the country. But if no recommendation be made, the people will be at a loss to know who is the most fit man for the office, and will be liable to be misled by men who wish to promote their favorites in different sections of the Union, and the votes of the people being thus divided, no election will ever be made by them. And said Mr. T. the true reason of the opposition made to a Congressional nomination is, that gentlemen are apprehensive that the man whom they wish to elevate to the Presidency, will not be the man who would be recommend-

[65] Section 15 of the Constitution of 1776 provided that the governor be elected for one year by the Senate and House of Commons, jointly. There was dissatisfaction in the State over the dependence of the executive upon the legislature; and one of the amendments adopted in 1835 provided for popular election of the governor for a term of two years. W. K. Boyd, *The Federal Period, 1783-1860*, pp. 141-142; Connor and Cheshire, *The Constitution of North Carolina, Annotated*, lxxi, lxxviii.

ed from Washington. This is the course taken by all minorities; who know, that to divide the force of the majority, is the only chance they have to succeed.

Mr. T. could see no constitutional objection to the usual nomination made at Washington, by men who were responsible for their conduct, and who had the best opportunities of judging of the qualifications of the several candidates held up to public notice. But the gentleman from Rowan[66] says it is bad policy, as it exposes Members of Congress who meet in Caucus to the influence of corruption; but, said Mr. T. if any fears are entertained on this head, they ought to operate with much more force in preventing the chance of the election being finally decided by the House of Representatives, where each State gives but one vote, where a small State has therefore as much weight as a large one, and where a few men have the power of deciding the important question of who shall be President of the United States.

To nominate a suitable person as a candidate for the Presidency in any meeting of members of Congress, requires a majority of the whole number present; but thirty-one members, in the last resort, have the power to elect a President. Formerly, when there were only two candidates for the Presidency, a nomination at Washington was less necessary than at present, when five candidates are before the public; as, with this number, except such a recommendation be made, an election by the people cannot be expected. And surely when the scenes are recollected which took place in the House of Representatives at the first election of Mr. Jefferson—when Mr. Burr, though he had not received a single vote for the Presidency, came near to being elected over Mr. Jefferson, though he alone had been supported by the people as President, no one can desire to see the election of this important officer again placed in such circumstances.

A good deal had been said about members of Congress usurping power in making this nomination. This, he said, was a tender point. It might be doubted whether the members of this house were performing their legitimate duty in framing instructions for the conduct of our members in Congress. Our constituents, when they elected us to make laws for them, did not expect we would thus employ our time. But puffed up with a little brief authority, we meddle with things which do not belong to us, and, in the same breath, complain of our members of Congress in this respect.

Some authorities had been produced on this occasion, which he thought entitled to but little weight. Mr. Grundy's Resolutions passed by the Legislature of Tennessee had been mentioned.

[66] Charles Fisher.

Mr. Grundy, in these resolutions, speaks of a Congressional Caucus as unconstitutional; and yet this gentleman when in Congress, attended these meetings, so that he acknowledges he thus violated the oath which he had taken to support the Constitution; and yet we are called upon to take him as an example. The gentleman from Rowan had told the house that he, when in Congress, did not attend a caucus; but if the gentleman disapproved the meeting, why did he not then, as now, lift up his voice against it. If he had then believed the measure unconstitutional, he had too high a respect for him to believe he would not have made known his opinion to his constituents on the subject.

The gentleman from Rowan, in conclusion, warned members against voting for the present motion, if they wished to maintain their popularity at home, stating, that he had travelled over many parts of the State, and had found the people every where were opposed to a Caucus nomination. If the gentleman supposed that members could be induced to vote against their convictions of right, from personal considerations, he would find himself mistaken. He had no doubt that much pains had been taken by that gentleman and others to defeat the good old course of a Republican nomination, but he trusted that all their efforts would be in vain.

Mr. IREDELL[67] said, that until a late period of the Debate, he had intended to take no part in the discussion of these Resolutions. The reasons which produced this determination, and those which had subsequently induced him to change it, it was alike unnecessary to state to the House. He would say, however, that he had been in some measure urged to the latter course by what he conceived to be the unfair manner in which these Resolutions had been treated by their opponents. When they were called up for discussion, the gentleman who introduced them, expressed his desire to amend them, by striking out the most exceptionable parts, and giving them such a form, as would bring before the House, simply and distinctly, the main question they were designed to present. All attempts at amendment, nowever, had been precluded by the motion for indefinite postponement, which had been made and persisted in by the gentlemen on the other side. And in the debate on this motion, while they deny all opportunity of striking out the parts admitted to be objectionable, they found their principal and certainly, their

[67] James Iredell, 1788-1853, of Chowan County, son of James Iredell, the Federalist associate justice of the United States Supreme Court, was a representative of the town of Edenton in 1813, 1816, 1817, 1818, 1819, 1820, 1823, 1824, 1825, 1826, 1827 in the House of Commons, of which he was speaker in 1816, 1818, 1826, and 1827. He was a judge of superior court, March-May, 1819; governor, 1827-1828; and United States Senator, 1828-1831. *North Carolina Manual, 1913*, pp. 418, 448, 467-468, 925-926; J. H. Wheeler, *Historical Sketches of North Carolina*, II, 94.

most solid arguments against the Resolutions on those very features. I do not say, Mr. Speaker, (said Mr. I.) that this course is inconsistent with parliamentary rules, but, with all the respect I sincerely entertain for the gentlemen who have adopted it, I must think it is not consistent with that candor and urbanity which should distinguish our legislative proceedings. I admit, sir, that when a Bill or Resolution contains but one distinct principle, a motion of this kind is usual, and is perfectly correct; but when two or more principles are involved in the same question, and the mover wishes to amend his proposition so as to bring one only before the House, it does not seem to me quite fair to deny the opportunity of presenting this principle alone, unincumbered with extraneous matter. If the question were now, sir, on the passage of these Resolutions as they stand, however strongly I approve of their main object, I should be compelled to vote against them myself, because there are some parts of the Premable which I do not approve, and because they contain a principle to which I have never been able to bring myself to assent; I mean, the right of this Legislature to instruct our Senators and Representatives in Congress. But I shall vote against the postponement, in order that such amendments may be made as shall enable me most cheerfully to lend them my support. And, sir, I can assure the gentlemen, if this motion for indefinite postponement shall prevail, that a Resolution on the same subject, in a less objectionable shape, shall still be brought before the House.[68] This kind of special pleading in legislation shall not avail them. The main question shall not be evaded. Those who are opposed to Caucus nominations, but disapprove of the present Resolution, shall be afforded an opportunity of fairly expressing their opinions—and none shall be able to say, when rendering an account to their constituents, that they dis-

[68] After the motion for indefinite postponement of the Fisher Resolutions was carried on December 11, Iredell fulfilled his promise by introducing on December 20 the following resolution:

"Whereas, the practice lately adopted by the members of Congress of assembling in what is termed a Caucus, and nominating a President and Vice-President of the United States, is an usurpation of power contrary to the spirit and intention of the Constitution—is inconsistent with Republican principles, inasmuch as it is founded on the degrading supposition, that the people are incapable of self-government—is calculated to produce an undue and dangerous influence in the election of those important officers, and tends, in its consequences, to destroy the purity, and thereby to sap the very foundations of our Republican Institutions: and

"Whereas, this General Assembly believe, that if even unopposed by these strong considerations, such a practice is neither necessary nor expedient, because the people are competent to select, in the manner prescribed by the Constitution, fit persons to preside over them, without any advice or nomination from the members of Congress,

"*Therefore, Resolved,* that this General Assembly do hereby disapprove, and in the name of the people whom they represent, do protest against Caucus Nomination, or in any other interference in the election of President and Vice-President of the United States by the members of Congress, acting collectively, in cases where such power is not expressly given to them by the Constitution."

At once this resolution was indefinitely postponed by a vote of 73 to 52. Forty-four of the fifty-two persons voting negatively had previously voted against postponement of the Fisher Resolutions which incorporated the right of instruction. *Journal of the House of Commons,* December 20, 1823.

approved of Caucuses, but voted against these Resolutions on other grounds.

If, Mr. Speaker, I felt unwilling to intrude myself on the attention of the House in the discussion of the principal subject involved in these Resolutions, it did not proceed from any doubt as to its importance. I do believe the question now presented, to be one of high importance to the stability and purity of our Republican Institutions. Sir, let gentlemen disguise it as they will, let them cover it with as thick a veil of sophistry as they can, it is still a question between those who advocate the rights of the people, and those who believe the people incapable of exercising the most important of those rights. For, sir, if gentlemen say, as they do on this floor, that a Congressional Caucus is necessary to ensure a wise and prudent choice of a President, is it not declaring to the people, you are incapable of making this choice yourselves. We will therefore have a meeting of your Members of Congress to make it for you. Gentlemen may not choose openly to avow this doctrine; but, in my opinion, it is the inevitable result of their arguments in favor of a Caucus. If it is admitted that the people are competent of themselves, to exercise the power of election, why should they not be left to exercise it in the most free and unbiased manner?—Mr. I. here referred to the parts of the Constitution of the U. S. which relate to the election of President and Vice-President, and insisted that according to its true intent, the right of election was vested in the first instance in the people—and though in the event of no person having a majority, the choice devolved on the House of Representatives, yet they were restricted to the three candidates who had received the highest number of votes. The House of Representatives thus restricted, could scarcely make a bad choice, or one much at variance with the wishes of a majority of the people.

It has been urged, Sir, (said Mr. I.) by the opponents of the Resolutions, that a Congressional Nomination of President and Vice-President, is not forbidden by the Constitution, and we have been called upon by the Gentleman from Wake,[69] with an air of triumph, to lay our finger on the clause of the Constitution which contains such a prohibition. I, sir, for one do not say, that there is any clause containing such express prohibition. But, Sir, *Qui haeret in litera, haeret in cortice.* I contend, that such a practice as these resolutions profess to condemn, is directly at war with the spirit and intention of the Constitution. I refer gentlemen to that excellent commentary on the Constitution, the *Federalist*, a work which is now the text book of all

[69] James F. Taylor.

statesmen. I refer them to that (for I have not the book here to quote) for the reasons which induced the Convention to adopt the present mode of electing the Executive, and the objections which presented themselves against any other mode of appointment. They wished above all things to keep this election pure; and they feared if it was entrusted to any pre-existing body, that body would be liable to be assailed by all the means of intrigue and corruption, which the prospect of so splendid and valuable a prize would tempt the ambitious aspirants and their warm partisans to employ. Gentlemen must wish for a Congressional nomination, because they believe it will have *some* influence in the election—otherwise it is perfectly nugatory. Now, Sir, this influence may be greater or less, but just in proportion to its extent and power, in the same proportion will the reason which induced the framers of our Constitution to withhold from any pre-existing body the appointment of the Executive, apply to a Congressional nomination with greater or less force—just in the same proportion will such a nomination be more or less at variance with the spirit of the Constitution. But gentlemen say, this power is necessary—that without it the people will be distracted, and will not know how to make a choice. If it is so, Sir, if the machinery of our Government cannot proceed without it, let it be engrafted into our constitution. If it must be a part of our political system in practice, let it be so too in theory—let it be inserted in our great political charter—let us know the form of government under which we live. Sir, I put Gentlemen to the test—Is there one in this House, is there one within the hearing of my voice, who would have the hardihood to propose as an amendment to the Constitution, that the members of Congress in Caucus assembled, should have the power of nominating the President and Vice-President of the United States, and that no election should take place without such nomination. I challenge the most zealous of the new converts to the caucus system, to propose such an amendment. Sir, they dare not do it. They know that the frowns of an indignant people would put them down. And why attempt to seize by artifice, by subtlety, a power which they dare not openly ask for? But it is said, the Members do not meet in Caucus, as Members of Congress, but as individuals. Mr. Speaker, I ask, in the name of common sense, if this can make any real difference? The Members of Congress are excluded from electing in the first instance, because they are a body of men in existence sometime before the election, and therefore liable to be tampered with? If their nomination is to have a powerful, an overbearing influence on the election, is there not

as great danger of their integrity being exposed to temptation? They meet in Caucus because they are members of Congress—they meet, therefore in virtue of that office—they are the same individuals who compose the Congress. Can it make any real difference as to the danger to our liberties, as to their exposure to intrigue, and corruption, whether they meet in one room or another; whether they clothe their proceedings with Legislative forms or not; whether Mr. Clay presides over them as Speaker,[70] or some other Member as Chairman? They are still the same body of men whom the Constitution has excluded from the election in the first instance, to whom, from their political situation and their pre-existence as a body, it was thought dangerous to intrust such a power. In my opinion, Sir, the distinction exists merely in name and appearance—it has no foundation in reality.

Again, sir, it is said the nomination by members of Congress is but a recommendation, and can have no binding influence on the people. Mr. Speaker, I detest all mere verbal distinctions—Let us go to the substance. And I appeal to the candor of the gentlemen on the other side, whether they do not believe such a nomination will have a great and important influence on the election? Whether it would not have the effect of procuring a majority for the person so nominated, when without it, such majority could not be obtained? Whether they do not expect such a result from a caucus nomination, and whether that is not the reason why they so strenuously advocate one? Sir, I know they must answer in the affirmative. Indeed, sir, the gentleman from Wake has told us, (though I disclaim the application of the remark to myself) that this question is only a struggle between the friends of the different candidates—that he is anxious for a caucus, because he believes his favorite candidate has a majority? Does he mean a majority of the people? No, sir; for if he did, he could not be so anxious for a caucus. If his candidate has a majority of the people already in his favor, he wants nothing more to ensure his election. A caucus would be entirely unnecessary. No, sir, it is because he knows the candidate whose cause he espouses has not a majority of the people, and believes he may have a majority in a Congressional caucus, that he is so anxious on this subject.

Again, Sir, we are told by Gentlemen on the other side, some of whom have talked so loudly about Republicanism and Democracy, that if we do not permit the Members of Congress to make a nomination, the people are so ignorant, they will never be able to select a fit man for President. Mr. Speaker, I have ever been

[70] Henry Clay was speaker of the House of Representatives, 1811-1814, 1815, 1820, 1823-1825.

the friend of the people, but never their flatterer. I have never deceived them by caresses, nor courted them for popularity. But I am, and always have been, the advocate of their just rights —more especially of the rights secured to them by the Constitution and laws of the country. Sir, it is a sufficient answer to this objection of incompetency, to say, the Constitution has thought them competent and has entrusted them with the power, and it was done so for the wisest reasons. The framers of that instrument knew that there would, at all times be individuals in the community gifted with higher talents and possessing more intelligence than the great mass of the people, but they knew too, that while a few men might be seduced, the people were incorruptible. The power exercised by them would be exercised in purity. But, Sir, I deny the proposition of the Gentlemen. The great body of the people are not only incorruptible—they are intelligent. They are capable of deciding for themselves among the candidates for the Chief Magistracy. The Gentlemen ask, how are the people to obtain the necessary information? they have no personal acquaintance with the candidates, and must therefore be governed either by the opinions of newspaper Editors, or the recommendation of Members of Congress. Sir, do the Gentlemen really think, that a personal acquaintance is absolutely necessary to enable us to judge of the merits of the individual presented to our choice? Is his fitness for this high office to be estimated by his personal appearance, his graceful carriage, his colloquial powers, or his agreeable and insinuating manners? No, Sir, I can tell the gentlemen of another source from which, in my apprehension, the information to guide us on this subject should be derived—the source from which I have formed my opinion—a source which is equally open and equally accessible to the whole community. It is the history—the public records of our country. Here you can find the proofs of the pure and elevated patriotism, of the devotion to his country's cause, of the correct political sentiments, of the firmness and independence of character, of the highly-gifted mind and the eminent public services which should alone entitle an individual to the highest political honor which one man can receive from his fellow-men. He who cannot appeal to public testimonials of his superior merits, who cannot produce these passports to office, may, it is true, Sir, attach to himself a number of warm partizans, forming their predilection from their personal acquaintance and intimate association with him, and by their means may possibly secure a majority in a Congressional Caucus. But such a man ought never to present a claim for the highest office in the nation. Such a man, unless assisted by a Caucus, can never receive the

votes of an enlightened people. If the candidates have been in public life (and none other will ever presume to aspire to this office) the people will enquire, and the means of ascertaining are open to them, what have been their public services, and what eminent talents have they exhibited? If the people are left unbiased by unauthorized associations bearing with them the stamp of official influence, this is the criterion to which they will bring all the candidates—a criterion on which they are as capable of deciding as the members of Congress.

Gentlemen have urged another argument in favor of a Caucus, that it will prevent the election from going to the House of Representatives. I ask Gentlemen to reflect if this is correct, if it is strictly honest? The Constitution has provided that, in the event of a majority of the electors not agreeing upon a President and Vice-President, the choice shall devolve on the House of Representatives where each State will be entitled to one vote. This provision was the result of compromise, of that system of mutual concessions between the large and small States on which our Constitution was founded. I admit, sir, that in this particular an undue influence is given to the small states; but they have given an equivalent for it to the large states, in yielding to them in other respects, a greater share of power. It is a bargain—a contract between the large and small states. Is it just in us, while we continue to enjoy the equivalent, to deprive them of the privileges for which it was rendered? Is it honest in us, Sir, while we avail ourselves of all the advantages secured to us by the contract, to evade the performance of the part made for their benefit, because we may think it presses rather hardly upon us? Is it right, sworn as we are to support the whole Constitution, to endeavor by indirect means to defeat any of its provisions? If this provision is unjust, or impolitic, it is in the power of the nation to strike it out; but while it exists, we are as much bound, as patriots and as honest men, to support it in its true spirit, as we are any other parts of the Constitution which may be more agreeable to our interests.

But, sir, we are warned to take care, lest, while we are charging members of Congress with an assumption of power, we should ourselves transgress our legitimate and prescribed bounds, by expressing an opinion on this subject. On this part of the argument, Mr. Speaker, I will only refer gentlemen to the practice not only of this Legislature, but I believe, of every Legislature in the Union since the foundation of our Government. Have they not repeatedly expressed opinions on important public subjects, which did not come immediately within the sphere of

their legislative functions? (Mr. I. here mentioned some instances of this kind.) And, sir, if we believe the practice, which these resolutions profess to condemn, to be a dangerous invasion of the rights of the people—an infringement of the spirit of the Constitution—is it not peculiarly our duty to express our opinion, to warn the people of the danger, and to endeavor, by denouncing, to suppress it?

Mr. Speaker, I ask pardon of the House for having detained them so long with these desultory and unpremeditated remarks. I am, sir, no political aspirant. I have no hope, if I had any wish, of political preferment. I came here with reluctance, and shall rejoice when the day of my departure arrives. But, sir, I am one of the people and deeply interested in the maintenance of their privileges and their power. In whatever situation I may be placed, I am determined, by every effort I can command, to oppose any attempted invasion of their rights. They may find, sir, more able defenders—but they will never find one more zealous or more faithful.

Mr. STRANGE[71] offered as an apology for troubling the House with any remarks on the subject now under consideration, the deep interest he felt in the disposition the House might make of the Preamble and Resolutions. He had hoped they would have disposed of them, while he was necessarily absent from the service of the House; in this hope however he had been disappointed. He regretted that they had ever been introduced, inasmuch as they were calculated to excite angry and malignant passions among those who took a part in their discussion, and to scatter fire-brands over the political face of the country, without these evils being counterbalanced by the prospect of any good result. After the able remarks which had fallen from gentlemen occupying the same side of the question with Mr. S. it might be deemed impertinent in him to offer any, inasmuch as he could do little more than repeat what had already been said by others. But on this occasion, he must claim to himself the full benefit of the maxim, that a good thing is none the worse of being twice said.

He might likewise plead the example of the gentlemen on the other side of the question, to whom he had listened with much attention, under the expectation of hearing some argument

[71] Robert Strange, 1796-1854, a native of Virginia, was a member of the House of Commons from the town of Fayetteville, 1821, 1822, 1823, 1826; judge of superior court, 1827-1836; United States Senator, 1836-40; and solicitor of the fifth judicial district. In 1840, the Whig legislature instructed the North Carolina Senators to vote for the charter of a United States Bank; and Senators Strange and Bedford Brown, both Democrats, resigned rather than obey the instructions. *North Carolina Manual, 1913*, pp. 448, 574, 928-929; J. H. Wheeler, *Historical Sketches of North Carolina*, II, 130; S. A. Ashe, "Bedford Brown," in S. A. Ashe, *Biographical History of North Carolina*, I, 183.

which might shew that the doctrines set forth in the Preamble and Resolutions were tenable. All that had yet fallen from the gentlemen was but a reiteration and amplification of the ideas and sentiments contained in the Preamble and Resolutions themselves, so that for all Mr. S. could see, the House would have been fully as much enlightened upon this subject, had each of the gentlemen who had spoken on the other side, contented himself with reading over to the House, in a distinct and audible voice, the Preamble and Resolutions. But Mr. S. was very far from attributing this to any want of ability in the gentlemen themselves. On the contrary, when he looked to the formidable array of talent by which the Preamble and Resolutions were supported, he confessed he had felt disheartened. He knew full well, that there were gentlemen in those ranks who could clothe truth in her loveliest attire, and strip falsehood of her borrowed garments; or, when it suited their purpose, and the proposition was not too manifestly against them, "make the worse appear the better reason." On the present occasion, therefore, he felt satisfied, that it was the cause they had espoused which was so sterile in argument, and not that the gentlemen possessed not ability to find them out, that so few had been offered.

We have been charged, Mr. Speaker, said Mr. S. with unparliamentary conduct, for insisting on our motion for the indefinite postponement of the Preamble and Resolutions. It is admitted that our course is not a violation of parliamentary rule, but it is asserted that it is a violation of parliamentary decorum. Now, Sir, I confess, that I had always been led to believe that the parliamentary rules were founded upon the strictest principles of good manners, and that he who kept within parliamentary rule, would be in little danger of violating parliamentary decorum. It seems, however, to be one of the misfortunes of disagreement on political questions, that things right in themselves become wrong when they may be used to defeat any favorite measure, or to shew the fallacy of any favorite opinion.

Mr. S. said he had two objections to the adoption of the Preamble and Resolutions. The first was, because he deemed the act itself useless and improper. The very "head and front" of the evil which these Resolutions are designed to remedy, is, that a Caucus is an unauthorized meeting.—That members of Congress are not elected with a view to the part they shall take in a Caucus which may be holden during their continuance in office, and that, therefore, they are in that respect not the representatives of those who elect them. Let this be granted, and what follows? Is it not as representatives alone that the warmest advocates of

the right of instruction affect to instruct? And it is only in those matters in which one represents us, that we can claim any right to instruct him. If, Sir, I employ a man to transact any piece of business for me, I have unquestionably a right to instruct that man as to the manner in which that particular business is to be performed, but do I therefore acquire a right to instruct him in matters exclusively his own? or does he not remain entirely free to act upon all matters not involved in his agency, precisely as he would have done had he not become my agent? Neither, Sir, do Senators and members of Congress become *de facto,* the slaves of those whom they represent, and upon any act which they do not perform officially, we have no more right to instruct them than upon the color of their coats, the quality of their food, or with whom they shall associate during the hours of relaxation. It is true, Sir, we can express our opinions; but are they bound to respect them? "We can call spirits from the vasty deep, but will they come when we do call for them?" I should fear not, Sir. I should fear our Senators and Representatives in Congress would retort upon us our own language, and say, Gentlemen, you take too much upon you. But the Preamble and Resolutions seem to me to be framed with a view to make their own inconsistencies as manifest as possible, and while the one loudly and positively disavows the agency of members of Congress in the Caucus nomination of the President of the U. States, the other studiously selects the very language which could only properly be used when agency exists. Again, Sir, by passing these Resolutions, we pass a direct censure on almost all the great, good, and wise men in the nation, not excluding our own venerable Senator, nor even the present most prominent candidates for the presidency; for it is to be presumed, if the Congressional Caucus be now the monster of iniquity, which this Preamble and Resolutions represent it, it could not have been entirely innocent even when attended by Macon, Crawford, Adams, and Calhoun.[72] And, lastly, by adopting the Preamble and Resolutions, we place ourselves in the dilemma of condemning that, which in the very act of condemnation we are ourselves

[72] Calhoun attended the congressional caucuses of 1812 and 1816; Crawford, that of 1812; Adams, that of 1808. *Niles' Register,* II, 192-193; *ibid.,* X, 60; E. Channing, *Jeffersonian System,* p. 222. Professor Dodd in his *Life of Nathaniel Macon,* p. 193, states, in regard to the caucus of 1804, that "Macon attended this caucus, it seems. . . ." However, the reference cited does not seem to warrant the conclusion of his probable attendance. In this letter to Bartlett Yancey, which is a reply to one from Yancey urging him to attend the Crawford caucus, Macon states: "If I attend, might it not, nay would it not be said, that after having refused more than 20 years and that too in the troublesome time of war and the Hartford convention, that now in time of peace, the principles or practice is changed; and that every man has his price and that Crawford, the master intriguer, is the first and only one, who has been able to find and touch the chord which produced the change . . ." Macon to Yancey, Washington, December 12, 1823. *James Sprunt Historical Monographs,* No. 2, p. 67. Macon may have attended the secret and informal caucus of 1796 or 1800. However, no conclusive evidence of his attendance at a congressional caucus has been encountered.

performing—for no one can pretend, that it was for the purpose of passing such Resolutions as those now upon your table, that our constituents sent us to this place, and thus, while we are "pulling the mote out of our brother's eye, we see not the beam that is in our own eye."

The second objection which Mr. S. had to adopting the Preamble and Resoultions, was, that by so doing, he would be permitting persons to put words into his mouth which did not accord with the sentiments of his heart. It is true, said Mr. S. that in the mass of obnoxious matter, some principles are cunningly and ingeniously inserted to which no one can refuse assent, as the physician who wishes to administer to his patient some nauseous drug, artfully combines with it some more palatable ingredient; but in the present case, that which is nauseous, so far exceeds in proportion that which is palatable, that I am for rejecting the whole dose. If any one will be at the trouble of examining the Preamble in detail, he will be surprised to find, to how small a portion he can yield his assent. To the first paragraph I would freely agree that this House should subscribe, did I think it necessary that the Legislature of North Carolina should proclaim to the world its belief that black is not white, or that the plainest proposition in nature is true. But upon the second paragraph, (and remember it contains the gist of the whole matter) our friends over the way will excuse us if we do not agree with them: if we do not accept the marrow, until they have cracked the bone: if we do not admit the dangerous tendency, nay the innate corruption of the Caucus system, until they have proven it to us. What Sir! admit without a scintilla of proof, that those whom we have selected from among us for their wisdom and integrity, are so stupid as to be cheated into a nomination decidedly against the interest of the nation? Or so corrupt as to be bribed by douceurs or promises to bend their backs for an unprincipled traitor to mount to honor at the expense of the happiness of his country? That the people of these United States will so far forget the price which their happy institutions have cost them, as tamely to see them bartered away by a contract which requires their ratification before it can have any binding effect? That our political fabric, of whose strength we so often boast, and whose foundations are cemented by the blood of our ancestors, can be subverted by a breath? I confess, Sir, it would require a degree of credulity which I trust I neither possess, nor wish to possess, to admit positions so revolting to our best feelings and our best hopes, with no farther proof than has been offered us by the gentlemen on the other

side. But this, Mr. Speaker, is one among the many cases in which the mere application of opprobrious terms, has loaded with disgrace and condemned to ignominy a practice innocent, nay useful in itself. We have reason, Sir, however, to rejoice, that it is not every one that can be thus duped, that even the majority of mankind, when uninfluenced by prejudice, have discernment to see that it is not names which make things good or bad, that words are but representations of ideas, that the qualities of things reside in the things themselves, and remain essentially the same, whatever names may be applied to them; that calling members of Congress traitors, does not make them so; and that the lawfulness or unlawfulness of a Caucus depends entirely upon the lawfulness or unlawfulness for which it is holden. Sometimes a Caucus has been holden for the vilest purposes, and of course, that particular Caucus deserved the execration of every good man. At other times, a Caucus has been holden for the best and holiest purposes, when surely the mere application of that name could not make it criminal. The Caucus principle enters into the most common affairs of life, from the most trivial to the most important, whenever a set of individuals assemble voluntarily for the purpose of consulting upon matters of common interest, it is assuredly a Caucus, and many were the meetings of this description which were holden before our forefathers achieved their independence, and perfected the system of government under which we now enjoy so much happiness and security. The truth is, the best and holiest things may be converted to the worst of purposes, and no one is ignorant that even that blessed Religion which was designed by its great author for the comfort of man in this life and his happiness in the next, has been converted, by the inquisition of the Romish Church, to one of the most horrid engines, to torture and afflict the wretched race of man, that the malignity of men or of devils could have invented. That any set of men hath a right to assemble and express their opinions upon any question whatsoever, I presume no one will deny. That any set of men in the community may, if they think proper, nominate the President, no one will deny. Is it, then, the respectability of members of Congress, and their means of information that make it wrong in them? That the respectability of a source from which a nomination might come would increase its weight, no one will question; but that it would therefore be more likely to be an erroneous nomination, I confess I am unable to see.

That a nomination by some person is necessary, I think is

[73] William Lowndes, 1788-1822, was a representative from South Carolina in the House of Representatives, 1811-1822. On December 18, 1821, a caucus of members of the South Carolina legislature nominated him for the presidency. F. J. Turner, *Rise of the New West*, p. 195.

very evident. The lamented Wm. Lowndes[73] has very happily expressed the sentiments of every man of correct feeling, when he said that "the Presidency of the United States was an office neither to be sought nor rejected." It seems, therefore, that no man can with propriety tender his own services; and how can the people, scattered as they are over an almost boundless extent of country be personally acquainted with any one individual whose private virtues might command a majority of their suffrages, or unite their votes, unless some person was particularly designated? And who so well qualified to designate as members of Congress? The President must necessarily be taken from the ranks of public life. And whose eye would be so constantly fixed upon him as his associates in public life? They would be his rivals, and would never award to him the meed of preferment, unless his merits challenged denial. The man who gets the Caucus nomination in Congress will generally stand like Themistocles, who was in the mind of each individual second only to himself.

In denouncing the Congressional Caucus, its enemies have stated two classes of objections.

First: that such a caucus is unconstitutional, and therefore morally wrong, inasmuch as by attending it, members of Congress violate the Constitution which they have sworn to support.

Secondly: that a Congressional caucus is impolitic.

Let us examine each of these classes of objections in detail. The first objection of the first class, (which for the sake of perspicuity, we will take the liberty of putting into syllogistic form) is as follows: That the Constitution has prohibited members of Congress from becoming Electors of Presidents of the U. States. But the members of Congress by nominating in caucus, do virtually elect the President of the United States, therefore the members of Congress making a caucus nomination of the President of the United States, do violate the Constitution. What a flimsy web of sophistry is this. Archimides boasted that, with a spot whereon to fix his machinery, he could move the globe itself; and such is the force of logic, that if you grant a man his premises, it is perfectly in his power, with such assistance, to prove any thing that he may desire. But with all their talent for sophistry, the gentlemen on the other side will find it impossible to demonstrate, that nominating is virtually electing, and without this, their whole argument falls to the ground; for be assured, they will find few men in possession of their reason, who will, without such demonstration, concede them the point. I have been often told, that there were no two words in the

English language precisely synonomous; but according to the new vocabulary which gentlemen, who contend that election and nomination mean the same thing, are about to establish, men have been heretofore greatly mistaken upon this point. Do gentlemen pretend that the people are not free to ratify or reject the nomination? or that by the mere fact of nomination by the Congressional caucus, the person nominated may forthwith be inaugurated President of the United States? Did the gentleman who the other day nominated Governor Holmes[74] to the office he now occupies, virtually elect him? It seems his nomination met the approbation of the Legislature; but was the Legislature obliged to approve? And are the people farther bound by the Congressional nomination than their respect for the opinions of members of Congress, and the coincidence of such opinions with their own, binds them? And to satisfy ourselves that this is the extent of the obligation, let us ask ourselves the question, if Aaron Burr or even DeWitt Clinton were to obtain the Caucus nomination, whether such a nomination would be ratified by the votes of a majority of the free people of these United States? If not, how can the people be bound by a caucus nomination? But could we so far forget ourselves as to admit that nominating is virtually electing, it does not strike me that our admission would avail our adversaries for the purpose they design. It would not then follow that the members of Congress had violated the letter of the Constitution, and it is no part of my political creed that it has a spirit that may be violated.

The Constitution of the United States is a written bargain or compact, entered into between the several States of the Union. Like all other written contracts, it is to be construed according to the plain interpretation of the language it contains, and no evidence of an intention not to be gathered from the face of the instrument itself, is admissible. The term Elector used in the Constitution, has a technical signification, and is intended to express an office, created by that Constitution, from the exercise of which members of Congress are expressly excluded: to give it greater latitude of interpretation, would be to exclude members of Congress from voting for the President of the United States, directly or indirectly, which cannot be supposed to have been its intention.

But to proceed to the second argument, which is, if possible, still more flimsy than the first:

That inasmuch as the Constitution provides, that in the event of no one candidate obtaining a majority of votes in the Elec-

[74] Gabriel Holmes, 1769-1829, of Sampson County, was a member of the House of Commons, 1793, 1794, 1795; state senator, 1797, 1801, 1812, 1813; councilor of state, 1810, 1814, 1815, 1816, 1817, 1818, 1819, 1820; governor, 1821-1824; and member of the House of Representatives, 1825-1829. *North Carolina Manual, 1913*, pp. 418, 429-432, 801-803, 924-925.

toral College, the election shall be made by the House of Representatives; and inasmuch as a Congressional Caucus, would tend to promote an election, and thereby defeat the contingent operation of this provision of the Constitution, therefore, members of Congress who so lend their assistance to effect an election in the Electoral College, do virtually violate the Constitution. This argument like the first, is founded upon what I conceive to be the great political error that the Constitution has a spirit which binds beyond its letter, and may therefore be violated without violating its letter. But were we to admit this to be a political dogma, which we could not contradict, still I think, in the present case, it would not avail the gentlemen to the extent they calculate. It must be evident to all, that this provision of the Constitution was intended for a state of things which it was by no means desirable should exist. It is, as it were, a remedy for a disease to which our political Constitution is liable; but I can see no ground upon which the opinion can be founded, that we are bound to stand quietly by with means in our hands to prevent the approach of the disease, without using them; unless it be that we may afford an opportunity of shewing to the world what admirable political quacks our forefathers were, who could foresee the occurrence of such a disease, and provide so admirable a prescription for its relief. But it is said, ours is a Constitution of compromise, and this feature was intended for the benefit of the smaller States, and that therefore it is a violation of good faith for the larger States, to endeavor to prevent the occurrence of the contingency upon which the operation of that provision will depend. It is only necessary to look to the absurdities into which this argument would lead us, to perceive its fallacy. If a man was to agree to pay another a sum of money, upon his failure to do a certain thing, it would be a violation of good faith on his part to endeavor to accomplish the proposed undertaking, as he would thereby deprive the other party of the sum to which he had a contingent right; and every man who had on any occasion, sworn to support the Constitution of the United States, would be restrained under the risk of committing perjury from taking any measure to promote an election of President in the Electoral College.

The first argument used by our adversaries, on the score of impolicy against a Caucus nomination, is, that the House of Representatives, standing in the situation of an appellate tribunal, in the event of a failure of the Electoral College to elect, it is wrong for its members to prejudge the case by expressing their opinions and pledging themselves in Caucus. We are very apt to be deceived in argument, by supposing a resemblance

where none exists; and the present argument is calculated to deceive us, by calling upon us to admit a resemblance between the situation of an appellate Judge, and that of the members of the House of Representatives in the case before us. But a moment's reflection, Sir, will enable us to perceive there is none. The House of Representatives does not sit [as] an appellate tribunal, to confirm or reverse the decision of a former tribunal; the very reason why the question comes into the House of Representatives is, that it has not before been decided, and therefore it in no respect resembles an appellate tribunal. While upon this part of the subject, sir, I will take the liberty of mentioning some of the reasons which govern me in believing that sound policy dictates the use of all fair means to keep the election of the President out of the House of Representatives. By the plan of Caucus Nomination, the people are made acquainted with the opinions of members of Congress, and if totally at variance with their own, there is sufficient time for the people to exercise their overruling influence; while, if the sentiments of the members of Congress are concealed until the election is entered upon in the House of Representatives, the matter is settled, and no power on earth can change the result, how much soever it may be at variance with the wishes of the mass of the people. By the plan of Caucus Nomination, members of Congress only recommend, and the people retain in their own hands the great prerogative of election; by the other plan, the people only recommend, and the substantial power of deciding is passed over to the House of Representatives.

Upon the score of corruption, about which so much has been said, is it not manifest that both the facilities to accomplish, and the inducements to attempt, are much greater in the House of Representatives, sitting as the elective body, than among the members of Congress, sitting as a Caucus? In the one case, there are only the members of the House of Representatives to corrupt; in the other, the Senators must be corrupted likewise. In the one case, the unprincipled aspirant after office, knows that the man whom he has corrupted can render him real service, and give him actual support, by his own vote; and if he succeeds in corrupting a majority, he is sure of obtaining the benefit of his unrighteous bargain; but, in the other case, should he even succeed in corrupting a majority of the Senators and Members of Congress, he has still to undergo an investigation of his merits before the people; and there are many chances to one, that the infamous traffick in which he has been engaged will be exposed, and so far from succeeding in grasping the honors after which

he has been reaching, he will, in addition to a failure in his object, have the mortification of beholding his reputation shipwrecked, and his fortune ruined by the base means to which he has resorted. The second ground upon which the gentlemen over the way contend that a Caucus Nomination is impolitic, is, that members of Congress not being elected with that view, are unacquainted with the sentiments of the people, upon the relative merits of the candidates for the Presidency. This objection, to say the least of it, hangs with at least as much weight upon the favorite plan of election by the House of Representatives, as it does upon the plan of Caucus Nomination: for, if members of Congress be not elected with a view to the Presidential Election, they stand equally uninstructed whether they meet to elect in the House of Representatives, or to nominate in Caucus. But the truth is, they meet in Caucus for the purpose of conferring together, thereby to ascertain what man in the community they can with most propriety recommend to the people as possessing the qualifications they desire.—It is, therefore, necessary, that they should agree both upon what those qualifications are, and who it is that possesses them. This they cannot do, without being in some way acquainted with the sentiments of the people, and the alleged uniformity of correspondence between the result and the Caucus Nomination, proves nothing more than that the members of the Caucus have hitherto acted with fidelity and discernment in representing the views of their constituents upon the Presidential question.

A third objection to the practice of Caucusing, is, that in time it will become a custom and obtain the sanctity of a law. The weight of this objection must depend entirely upon the weight of those with which it is associated. If a practice be bad in itself, it certainly is a good reason for hastening proper checks; that there is danger of time so strengthening it as to preclude all hopes of its destruction. On the other hand, if a practice be good in itself, its becoming firmly established and growing into custom, cannot make it evil. If the custom under discussion be unconstitutional, while the constitution remains unaltered, unconstitutional *it* will remain. And here I would reply to a question which is so triumphantly asked us, viz. if the practice be right in itself, why we do not propose that the constitution be so amended as to authorize it? We answer, believing that the constitution does not prohibit it, we think it no more necessary, so to alter the constitution as to expressly authorize it, than we do, so to alter the constitution as expressly to authorize any other

lawful act.[75] And that, on the other hand, if gentlemen think the practice pernicious or impolitic, it is for them to propose such an amendment as will bring it under the ban of the constitution. For ourselves, we are contented that matters should remain as they are, satisfied that the practice under discussion is neither *malum prohibitum*, nor *malum in se*.

The last objection, which is more properly a rebutter to what our adversaries feel to be the most powerful argument in favor of a Congressional Caucus, is, that if a Caucus is ever politic, it is when there is a contest between parties, about some great political principle: but that on the present occasion, it cannot be justified even upon that ground, inasmuch as the present candidates all belong to the same political family, and hold the same political tenets. And that in truth, and in fact, an amalgamation of parties has taken place by mutual concession.—But do we not perceive, Sir, that this is the time, when, if at any, a caucus is not only justifiable, but necessary?—It is not true, Sir, that there is an amalgamation of parties.—York and Lancaster still wear their roses, although they may be greatly withered. Party feelings, like embers covered with ashes, only slumber until they are supplied with such fuel to feed upon as this very question is likely to supply. Who ever heard that division promoted strength? And who does not know that the federal party are in possession of men of talents sufficient to lead them with some chance of success against the republican party, dismembered as it is? Already have the trumpets sounded to announce the approach of their mighty champion, a man who stands second to none of his age in point of talents, and who all admit to be a favorite Son of Nature, whatever difference of opinion there may be concerning his political integrity; I mean, Sir, DeWit Clinton. Nor will his party be wanting in address to bring him forward under the most advantageous circumstances. Look to their argument upon the question now under discussion —that it is a contest between the friends and enemies of the people's rights, and they vauntingly proclaim that they now stand forth in defence of those rights. But, Sir, we know, and we trust that the people know too, that they want no champion of their rights, they have might residing in their own arm to which

[75] Mr. Strange seems inconsistent in his constitutional principles. Previously he had declared the constitution a compact between the several states which should be construed literally. *Supra*, p. 91. Here he enunciates the broad construction doctrine that, at least in case of the caucus, the constitution permits what it does not prohibit. Later in the debate, Stanly pointed out the inconsistency of the state rights champions in supporting the practice of caucus which impaired a compromise of the constitution by reducing the influence which the framers of the constitution intended the small states should have in the election of president.

no power on earth can add—they can, at any moment, rise in their energy and take from us the little delegated power with which they have entrusted us: how, then, is it in our power to bestow any thing upon them? No, sir, this truly is a contest of parties, although gentlemen disavow it; but it is not one of our seeking, and in vain do gentlemen accuse us of rising the stale cry of party. Can any person believe otherwise, than that these Resolutions were introduced for the express purpose of affecting the Presidential Election; and that every member in this House will vote upon them in precise conformity to his views upon the Presidential question? Can we, then, be blamed for proclaiming to our political friends, our belief as to the object of these Resolutions, and that when a blow is aimed at us, we should be censured for endeavoring to collect our energies to meet it? For my own part, Sir, I view this Preamble and Resolutions as a touchstone, and I feel a pride in saying, that I am not afraid to meet it. I am in favor of William H. Crawford as President of the United States, not because he will then have offices to bestow: my situation in life, Sir, is too humble to have any bias in favor of either of the gentlemen upon that ground: nor yet because he is a Virginian. It is true, Sir, if the Chinese Wall which has been spoken of had been erected ten years ago, I had not been here, it is true, Sir, that

"I'm not the wretch with soul so dead
"Who never to himself hath said,
"This is my own, my native land."

It is true that I feel a pride in having been born in the same state with a Washington and a Jefferson—but dear as Virginia is to me, North-Carolina is still dearer. Viginia was my birthplace, and contains the bones of a few of my ancestors. North-Carolina supports me, and contains the living objects of my tenderest affections. While Virginia is pursuing a correct course of policy, I feel no desire that North-Carolina should adopt a different one; but, if I know myself, whenever Virginia wanders from the path of rectitude, I shall be as ready as any one to do all in my power to prevent her being followed by North-Carolina. Neither is it, therefore, because Virginia is in favor of Mr. Crawford's election, that I would have North-Carolina to support him; but it is because I believe he will tread more closely than any other candidate spoken of in the footsteps of that venerable patriot and statesman, who has so eminently contributed to raise our nation to its present glory and happiness, who now, bending beneath the weight of years, must ere long be taken

from us, leaving us his precepts and examples to follow, his memory to love and venerate.[76]

With these views and feelings, the House cannot be surprised that I should see no reason at this time for abandoning a plan which has hitherto been attended with the most advantageous results. It is said, it is not a Republican measure; true, I have understood that the caucus plan was an invention of the Federal party to advance their own political views; and that, like the Elephant of Pyrrhus, King of Epirus, it has proved most disadvantageous to those who brought it into action; but in its use, "we but return the ingredients of their poisoned chalice to their own lips," and neither justice nor morality requires that we should cease to use the sword which we have wrested from our adversaries, to defend ourselves against their aggressions.

The caucus system has been hitherto useful to this country; that it has occasionally been resorted to for many years past, there can be no doubt; that like every thing else in the hands of fallible beings, it is liable to abuse, no one can deny. But with the confidence I possess in the collective wisdom, and the individual integrity of those who usually represent us in the Congress of the United States, my fears do not disturb my quiet. The course of policy which has been pursued by the well organized government of the United States for the last twenty years, has resulted in the continuance of much individual and collective prosperity among the inhabitants of this highly favored country.

I am for no change, and would not be instrumental in making any. Convinced that while the same plans are adhered to, no spot will be seen upon the sun of our national glory, no tear will be shed for our happiness departed.

[*To be continued.*]

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[76] The reference is to Thomas Jefferson. He died July 4, 1826.

HISTORICAL NOTES

Edited by D. L. CORBITT

These historical notes contain a great variety of subjects. The documents included deal with a letter relative to the "Breathing Cave" in Western North Carolina; the seal of North Carolina; issuance of marriage licenses; legislative enactments relative to the encouragement of silk worm and sugar culture, and the maintenance of a school in connection therewith; Hugh Williamson's authority to search the records in order to write a history of North Carolina; the appointment of judges after the adoption of the constitution; and an article on the finances of the State.

"THE BREATHING CAVE"[1]

Maywood, Oct. 3rd, 1892.

To the Honorable Governor[2] of North Carolina.

Dear Sir:

I am a scholar of the sixth grade. I heard of a wonderful Cave,[3] in the Tox Range, in your state, it is called the "Breathing Cave," and if it is not too much trouble would you please send me some information about the wonderful cave.

I heard about animals being drawn in by the strong current of air that goes in it, and then how hair and bones are blown out of it.

I don't see where the air comes from, when it comes out again, I think it would be a scheme to tie a rope around a man's waist, and then let him go in to see what it was like inside.

Now if it is not too much trouble, would you please send or

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[1] Thomas M. Holt Executive Papers, 1892.

[2] Thomas M. Holt, Governor of North Carolina from April 8, 1891 to January 18, 1893.

[3] This may be Blowing Rock, about which there is an Indian legend. The Cherokee Indian legend as told by the mountain people is as follows:

"Here [at Blowing Rock] the beautiful daughter of the Chief of the tribe would come in the soft twilight to keep tryst with a handsome warrior who had not found favor in the eyes of her father. He wooed her long and ardently, but through her father's opposition she soon tired of him and at the same spot entertained other lovers who were high in the good graces of their chief. The discarded lover, meeting her at the old trysting place, threatened to cast himself from the cliff if she refused to agree to an alliance. Begging her sweetheart for a reprieve, so that she might consult with her father, she hastened to the tepee of the great chief who refused to allow his daughter to marry a man who had failed to win a high place in the tribe by performing heroic deeds of valor to win her. The frenzied suitor, heartbroken, jumped from the precipice before the eyes of the maiden and the tremendous force of the wind hurled him back into her arms. Declaring her choice was made by the Great Father she defied the mighty chief and followed her lover into the wilderness.

"Having heard the legend many visitors have calmly thrown their possessions over the cliffs, only to see them in obedience to the law of gravity, instead of that of fancy, disappear beneath the treetops far below, for it is only when the northwest wind blows in its tremendous force that articles are blown back to the point from which they are thrown." Hutchinson's *In Cloudland* [a pamphlet].

write us something about this cave, for the scholars are all anxious to hear about it.

Respectfully yours,

Address Millie Buck, MILLIE BUCK.
Maywood, Cook Co., Ill.
Box 111

A PROCLAMATION FOR THE USE OF THE GREAT SEAL[4]

No. Carolina's

By His Exelly. WILLM. TRYON[5] Esqr &c

A PROCLAMATION

WHEREAS I have received from the Earl of Shelburne one of His Majestys Principal Secretarys of State, a new Great Seal[6] for this Province with a warrant under his Majestys Signs Manual to use the same, in the following words vizt.—

George R.

To our trusty & well beloved William Tryon Esqr. Our Captain General and Governor in Chief of our Province of North Carolina In America, or to the Commander in Chief of our said Province for the time being Greeting—With this you will receive a Seal prepared by Our Order for the use of our said Province; the same being engraven on the one side, with our Arms Garter, Crown, Supporters and Motto, and this Inscription round the Circumference Georgius III: D. G. Mag. Bri. Fr. Et Hib. Rex. F. D. Brun. Et. Lun. Dux. S. R. I. Ar. Thes. Et. El. on the other side our Royal Effigies, and Liberty represented introducing Plenty to us, with this Motto, Quae Sera Tamen Respexit—and this Inscription round the Circumference, Sigillum. Provinciae. Nortrae. Carolinae. Scptentrionalis—Our Will and Pleasure is, and we do hereby Authorize & direct that the said Seal, be used in Sealing all Patents & Grants of Lands, and all Publick Instruments which shall be made, and passed in our Name, & for our service within the said Province, and that it be to all Intents and purposes of the same force and validity as any other Seal heretofore used within the said Province, And we do further Will & require you, upon the receipt of the said Seal, to return the Old Seal to our Council Office at Whitehall in Order to its being defaced by us in Our privy Council—Given at our Court at St. James's the 9th day of July 1767. In the Seventh Year of our reign.—By His Majesty's Command.

SHELBURNE—

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[4] Proclamation Book, 1766-1775, North Carolina Historical Commission.

[5] William Tryon was governor of North Carolina from 1765 to 1771. He was appointed governor of New York while governor of North Carolina, and after suppressing the Regulators at the battle of Alamance, took office in that Province.

[6] Photographs of all the seals of North Carolina are contained in a pamphlet, *The Great Seal of the State of North Carolina, 1666-1909*, by J. Bryan Grimes, which was published by the North Carolina Historical Commission in 1916.

I have therefore thought proper by and with the advice and Consent of his Majestys Council to issue this Proclamation to notify that the New Great Seal will from the date hereof be made use of in this Province, and that the Late Great Seal agreeable to the Royal Commands is Transmitted to England.—

Given under my hand &c. 14 Decr. 1767—

WM. TRYON—

A PROCLAMATION RELATIVE TO ABUSES IN THE MANNER OF ISSUING MARRIAGE LICENSES[7]

North Carolina's

By His Excelly WILLIAM TRYON Esqr.

A PROCLAMATION

Whereas by an Act[8] of the General Assembly passed in the year 1741[9]—Intitled an Act concurring of Marriages, it is among things Enacted that all Marriage Licenses shall be Issued under certain Rules, & directions therein mentioned by the Clerk of the County wherein the Time has her usual Residence and be signed & directed by the first Justices in the Commission of the peace for the County or by a Person Commissioned by the Governor for that Purpose, which power to a Justice for signing and directing of Marriage Licences has since been thought improper as having a Tendency to elude the payment of the Just and Legal fees[10] to the Governor on Marriage Licenses & accordingly the General Assembly in 1766[11] by an amendatory Act to the former & in the repealing Clause thereof, hath repealed that part of the

[7] Proclamation Book, 1766-1775, North Carolina Historical Commission.

[8] The following is the first acts (1669-70) passed relative to marriages in this Province: "Forasmuch as there may be divers people that are minded to be joyned together in the holy state of Wedlock and for that there is noe minister as yet in this County by whom the said Partyes may be joyned in Wedlock according to the rites and customs of our native Country the Kingdom of England that none may be hindered from this soe necessary a worke for the preservation of Mankind and settlement of this County it is enacted And be it enacted by the Pallatine and Lords Proprietors of Carolina by and with the advice and consent of the Present Grand Assembly and authority thereof that any two persons desiring to be joyned together in the holy state of matrimony taking three or fower of their Neighbours along with them and repairing to the Governor or any one of the Councell before him declaring that they doe joyn together in the holy state of Wedlock And doe accept one the other for man and wife; and the said Governor or Councellor before whom such act is performed giveing Certificate thereof and the said Certificate being registered in the Secretary's Office or by the Register of the Precinct or in such other Office as shall hereafter for that use be Provided It shall be deemed a Lawfull Marriage and the Partyes violating this Marriage shall be purnishable as if they had binn marryed by a minister according to the rites and customs of England. *Acts of the Assembly of Albemarle 1669 (-70) Colonial Records*, Vol. 1, p. 184.

[9] See *State Records of North Carolina*, Vol. XXIII, p. 158.

[10] The following are the fees charged:

"IX. And be it further Enacted, by the Authority aforesaid, That the Fees upon the said Marriages, shall be as followeth, that is to say: To the Governor or Commander in Chief for the Time being, for each License of Marriages, Twenty Shillings, Proclamation Money. To the Clerk of the County Court, for issuing the same, and taking the Bond, Five Shillings of the like Money. To the Minister, for Marrying, if by License, Ten Shillings, if by Banns, Five Shillings, of the like Money. To the Justice of the Peace, for marrying, Five Shillings. To the Minister or Reader, for publishing the Banns and granting Certificate, One Shilling and Six Pense, of the same money." Laws of North Carolina, 1741. *State Records of North Carolina*, Vol. XXIII, p. 160.

[11] See *State Records of North Carolina*, Vol. XXIII, p. 672.

Univ. of Arizona Library

Clause in the Act passed in 1741 which gave a power to a Justice for to sign & direct Marriage Licences—

And in an Enacting vested that power solely in the Governor & inflicted the penalty of Fifty Pounds on any Minister or Justice of the Peace who should celebrate or Solemnize the Rites of Matrimony between any Person whatsoever in this Province by a Licence unless such Licence should be under the hand & seal of the Governor or Commander in Chief for the time being.

Notwithstanding all which many Justices have of Late taken upon themselves to sign & direct Marriage Licences, I suppose & would willingly hope not from a Contempt of Law, but from an erronious construction of the provisionary Clause in the emendatory Act, which gives a power to the Clerks when unsupplied with blank Marriage Licences to write Licences under the same regulations & restrictions as directed and prescribed by the Act made in 1741, but gives no power to any Justice or other person to sign and direct the Licences when so wrote and Certified by the Clerk, but under the Authority and by the direction of the preceeding & Enacting Clause are to be signed & Sealed by the Governor & Commander in Chief.

In Order therefore to correct this mistake & to prevent such injurious practices to the Publick for the future.—I have thought fit by & with the Advice & Consent of His Majesty: Council to Issue this my Proclamation thereby Prohibiting and forbidding each and every Justice, & Clerk of any Inferior Court in this Province, hereafter to sign or direct (unless under my hand & seal) any Marriage License—And Where as many Clerks have failed to apply to me for Blank Marriage Licences, And it being almost impracticable at all times to send Blanks to each of the Clerks of the several Counties within this Province—I take this method of Informing them that if it is inconvenient for them personally to apply to me, they may be supplied with any Number of Blank Marriage Licenses by any Person who at their request, under their hand, shall apply to me for such Blanks—I am prompt both from duty & Inclination to make it as convenient as possible to such Clerks as may not have it in their power to apply or send to me for Blank Marriage Licenses, and therefore for the ease & Conveniency of such, as well as others,—I have given Orders to my Secretary that a Number of Blank Marriage Licences be Lodged with some Person, who shall be made known, in the district of each Superior Court in this Province to whom the Clerks in the respective districts may, with great Facility, furnish themselves with any number of blanks they choose to take, and I expect they will think themselves bound in honour, Annually at the time by Law appointed to Account to me for all

Fees they may receive on my Behalf, as it would be exceedingly disagreeable to me to be Compelled to have recourse to Law to enforce a Settlement—

Given unto my hand & at New Bern 16 January 1768 &c.

WILLM. TRYON.

SILK AND SUGAR CULTURE; PROVISIONS MADE FOR SCHOOL[12]

A Bill, to encourage the culture and manufacture of Silk and Sugar in this State.

I. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that whenever any six or more citizens of any Congressional District in this State, shall associate themselves together as a joint stock Company for the growth or manufacture of Silk or Sugar or both and shall subscribe for one hundred shares of twenty dollars each, of the Capital Stock of such company, and organize themselves as such by appointing their President, Secretary, Treasurer, and at least three Directors, and notify the Governor thereof—such subscribers & their subsequent associates successors and assigns shall be and they are hereby declared to be Incorporated into a joint stock Company, by whatever name or style they may think proper to assume, which name they shall also make known to the Governor—by such name may sue and be sued, plead & be impleaded before any Court of Justice of the Peace, and shall have succession and continue their corporate existence for the space of ninety-nine years from and after the date of their organization, unless they voluntarily surrender their charter within that period—and shall be able and capable in law to have, purchase, receive enjoy and retain to them and their successors, lands, rents, tenements, goods, chattels, and effects of whatsoever nature, kind or quality, and the same to sell, grant, demise, alien, or dispose of and shall possess and exercise all the rights and privileges of a corporation or body politick in law, and may make and use a common seal, and make all such bye laws, rules and regulations as may be necessary for the well ordering and arrangement of the affairs of such company, not inconsistent with the Constitution or laws of the State. Provided however, that the provisions of this Act shall be extended only to such Companies as shall be formed within twenty five years from the ratification thereof, and provided further that no company formed under this act, shall employ their capital in Banking operations.

[12] Legislative Papers, 1838-39, North Carolina Historical Commission.

II. Be it further enacted, that the Governor on being notified as aforesaid of the organization of any such Company, shall thereupon issue his Proclamation making known the fact that such Company is duly incorporated under this Act, together with the name or style of such company and the names of the officers thereof. A copy of which Proclamation and of this Act under the great Seal of the State shall be held and deemed conclusive evidence of the corporate existence of such company, until the termination of their charter.

III. Be it further enacted, that every such company, may from time to time, as they may deem expedient, enlarge their Capital Stock, by additional subscriptions in shares as aforesaid, until they severally reach the sum of Fifty thousand dollars, but no one of them shall extend their capital beyond that sum without an express permit to do so from the General Assembly. And the Stock subscribed in such companies shall be paid in in the following manner, that is to say ten dollars upon each share shall be paid in sums of two dollars and fifty cents each, every three months from and after the date of the organization of such companies—and the balance in such sums and at such times as the President and Directors thereof may order and direct, and in case of delinquency of payments, the President and Directors of such Corporation may enforce payment by the sale of the Stock of such delinquent or by recourse at law against such stockholder.

IV. Be it further enacted that there shall be a general meeting of the Stockholders of every such company in person or by proxy annually—& a majority of the stock being represented, shall then and there elect their President, Secretary, Treasurer and three, five or seven Directors for one year or until their successors shall be chosen; and may do all other acts and things authorized by this Act. And in such general meetings each stockholder shall be entitled to give one vote for every share held by him, her or them in such Company, up to five and one Vote for every five shares, after the first five. And the shares of stock in every such company shall be deemed personal property and as such shall pass into the hands of Administrators or executors and be assets in their hands.

V. Be it further enacted, that every such corporation may make contracts or become bound by instruments in writing, signed by their President & countersigned by their Secretary: but the legal estate in the lands of such companies, shall not be aliened except by Deed under the Corporate Seal of such Company. Legal process against any such Corporation may be served on the President thereof, or if he cannot be found by the officer, then on any Director. And all the corporate property of every

such company of whatsoever kind or nature, shall be liable for the payment of the debts of such corporation.

VI. Be it further enacted that it shall be the duty of every such Corporation to keep a full & fair record of all their proceedings and of their accounts and transaction, in a well bound Book—and shall produce said Records in any Court when required so to do by such Courts as evidence in any matter therein depending for trial. And the Secretary of every such Corporation shall enter into Bond with sufficient security to be judged of by the President & Directors thereof in the sum of one thousand dollars, payable to the State of North Carolina for the use of said Corporation for faithfully recording all the proceedings, orders & settlements of the President & Directors & for the faithful preservation of said Records of the papers of such Corporation. And the Treasurer of every such Corporation shall in like manner, before entering upon the duties of his office, enter into Bond with security to be approved of as aforesaid, in such sum as the President & Directors may judge requisite for the safety of the funds of such Company committed to his care. And every officer appointed by the President & Directors of any such Corporation, may by them be removed at pleasure and appoint others in their stead.

VII. Be it further enacted that every Corporation under this Act, which shall establish, upon a permanent arrangement, upon their Farm, a School for the instruction of children in the elementary branches of an English education and moral rectitude, combined with moderate manual labor operations upon said Farm, at such reduced price as to place the means of an useful education within the reach of the poor; and shall notify the Governor thereof, shall be permitted to borrow, to the amount of one thousand dollars, out of the uninvested monies belonging to the Literary fund, and may use the said sum for the term of ten years, and thereafter until the same shall be ordered to be repaid by the General Assembly. And such corporation shall pay for the use of the same, six per cent interest, per annum—payable annually. And the Governor shall issue his warrant to the public Treasurer for said sum, for said Company, upon the delivery to the Governor to be filed in the office of the Publick Treasurer, a Bond for the repayment of said sum & the interest signed by the President & Secretary of such corporation, under their corporate seal. Which Bond the Public Treasurer may & shall collect at any time within ten years, should said corporation surrender their Charter to the Governor within that period. And every such Corporation availing itself of the privilege of such loan shall make an annual return to the Publick Treasurer of the

condition of the affairs of such Corporation, setting forth the amount of their capital stock, the portion paid in, the number of acres of land owned by them, the products of their farm the preceding year, the number of Children employed & educated on their farm the nett profits of the establishment, the value of the property belonging to the Corporation, the names & places of residence of the Stockholders, and the name of the President, Secretary & Treasurer. And the debt contracted by taking said loan, shall have priority of all other claims against such Corporation, and shall be a lien upon their lands tenements & appurtenances until the same shall be fully paid up & discharged. And, for the further security for said loan, the Stockholders of such company shall be liable for the same in their private capacity.

L. L. POLK TO BRYAN GRIMES[13]

Raleigh, Aug 6 1879

GEN BRYAN GRIMES
Washington N. C.

My dear Gen.

I learn thro' the papers that you have engaged in Silk Culture. I am convinced that it could be made a very profitable industry with our people—particularly throughout the Middle and Eastern sections, and am therefore anxious to avail myself of all the information I can, that I may encourage the interest now being manifested. Have you any Cocoons? or any silk—that I could get to put on exhibition? Have you time to give me any suggestions in regard to the enterprise? Hoping to be favored with a reply. I have the honor, to be sir,

Yours respectfully
L. L. POLK.

MULBERRY TREES NEAR NEW BERN[14]

Introduction of the Morus Multicaulis Long Before Its Discovery By Perrottet

There have recently been published several communications of the remarkable, and to most persons the incredible fact, that the morus multicaulis has been growing in Craven county, North Carolina, unnoticed and unknown, for about half a century; or for some thirty years earlier than the importation of the tree from the Philippine Islands to France, by the botanist Perrottet

[13] Bryan Grimes Papers, Vol. III, 1872-1883, Feb. 8-Mar. 22, North Carolina Historical Commission.

[14] *Farmers Register*, Vol. VII, pp. 506, 507, 508. The *Farmers Register* was a paper devoted to agriculture and published at Petersburg, Va., by Edmund Ruffin, Editor and Proprietor. It was a monthly publication, and carried articles dealing with Virginia and adjoining states.

—which, until this late contradiction, had been admitted generally (and in this country universally,) as the earliest introduction of the plant from Asia. The most full account of the North Carolina growth is given in a communication to the last number of the 'Journal of the Silk Society,' by George Wilson of Newbern. Mr. Wilson describes the plant from actual inspection, as it appears, and vouches for its identity with the morus multicaulis; and he states, from the information of others, the account of the origin, which we will here condense. He reports that a Frenchman, named Fonville, emigrated about fifty or sixty years ago, and settled in Craven county. He brought with him mulberry plants and silkworms' eggs, for the purpose of prosecuting silk-culture, but which was prevented by his death occurring not long after. The mulberry trees, which he planted, being no longer valued or protected, and being in cultivated land, have been gradually disappearing, from being cut and grubbed, and burnt over, until but one root remained, which was lately rescued and removed by Daniel Lewis. "Until within the last twelve months" adds Mr. Wilson, "we never heard of the multicaulis here, but one individual, who had bought six of them, about three years since, of Prince of Long Island, and has nursed them up to 1500. A speculator came along, and bought them up at 35 cents, and spread among us the importance and the name of the tree. Then it was that Lewis said that he knew where some of the same trees grew, and he went, in company with a man named Gooding, and procured those of which I have already informed you."

It is not our object at present, either to affirm or deny the correctness of this recent statement. It is more than probable that there has existed some source of mistake, unknown both to the writer of the communication and to those from whom he derived his information. But whether that supposition be true or not, we can make manifest the *possibility* of the morus multicaulis having been brought from France fifty years ago, from indubitable evidence in our possession of the fact that the tree was growing in France some years still earlier; and that, though preserved and propagated by a few curious cultivators, merely as a rare plant, it remained unnoticed by all other persons, and scarcely known, until in 1834, the date of the report on the subject which we shall give below. *If it should be proved* that the growth referred to has really been so long in North Carolina, and is the true morus multicaulis, (neither of which is yet *established,*) then this publication will serve to clear up the otherwise mysterious and incomprehensible fact of the early introduction. The report below is a translation from the original which is in our possession, and may be found at page 350 of the *'Annales de l'Agriculture Francaise,'* for 1834.

Report of M. Jaume Saint-Hilaire to the Royal and Central Society of Agriculture.

Sitting of June 18, 1834.

In a journal of Lyons, which M. Huzard, the father, has communicated to the society, M. Henon, Director of the Royal Nursery of that city, announces that the morus multicaulis has been cultivated for many years in Vaise, near Lyons, in the nursery of M. Nerard, nursery gardener. His father had received it from Rast de Maupas, before 1809, since which time he had lost, by a severe winter, part of those he had. Not having deemed the multicaulis preferable to the ordinary white mulberry for feeding silk-worms, he cultivated it merely as an ornamental tree, suitable to display in masses, and in English thickets.

M. Seringe, professor of botany at Lyons, adds, in support of this annunciation, a manuscript note of Madiot, who for a long time was the director of the royal nurseries. This note is in these words: "The mulberry tree which is said to have been brought from the Philippines by M. Perrottet, is a tree of the second degree of size, which I met with in 1800 in the nursery of M. Nerard the younger, at Vaise. This same variety has yielded fruit for more than fifteen years at the Acclimating Nursery of the Rhone."

M. Henon declares that he had seen at Euclly, in the garden of Rast de Maupas, the mulberry tree from which had been propagated those of Nerard. This tree, as well as many foreign oaks and walnuts, has been cut down since the death of the proprietor.

The statement in the Lyons journal was supposed to have been founded on a mistake of the species, and that the trees reported to be the multicaulis were some of the varieties of either the white or black mulberry, or the Italian. The Society (*Royale et Centrale d'Agriculture,*) having charged me to examine and report on this subject, I have assured myself of the identity of the species cultivated at Lyons with that of the Jardin du Roi of Paris, brought by M. Perrottet. I have asked for and obtained specimens, and have now the honor of exhibiting them to the society. They are as follows:

No. 1, is the morus multicaulis of the school of the *Jardin du Roi,* imported by M. Perrottet;

No. 2, that of the mulberry of Lyons;

No. 3, that cultivated at M. Nerard's at Vaise;

No. 4, that of M. Seringe;

No. 5, that of Messrs. Audibert of Thonville.

It would be difficult to find distinct characters among all these mulberry trees, or believe them to be other than the same species. If the season had been suitable, I would have been able, to complete the conviction, to produce the flowers and fruits; but I believe that this additional proof is not necessary, and that we may rest upon the testimony of the able botanists and zealous cultivators, Messrs. Seringe, Madiot, and Henon.

Nos. 6, 7, 8, 9, 10 and 11, are samples of other mulberry trees cultivated in France, and in the *Jardin du Roi.* They all differ from the morus multicaulis.

Knowing that Poivre, the able and upright administrator of our possessions in India, had made many voyages to China and to Cochin-China, and that he had constantly been occupied with the culture and naturalization of useful vegetables, I had supposed that it was he who had first introduced the morus multicaulis in the neighborhood of Lyons; and I was confirmed in that opinion, when I afterwards learned that Rast de Maupas, who cultivated this tree at Ecully, and who gave it to Nerard the father, had been the physician and intimate friend of Poivre. Favorable circumstances perhaps will furnish me with positive proof of this; and that if M. Perrottet has introduced this tree into France about fourteen years since, that Poivre also had brought it forty or fifty years earlier. He was long the governor of the Isle of France, where he bought of the Indian Company a piece of ground called Montplaisir, of which he made a magnificent garden, in which he brought together the useful plants of the two hemispheres. This garden, long after, as a traveller has stated, was considered one of the wonders of the world. A philanthropist as well as a ruler, Poivre did not neglect plants which had no other merit than their novelty; but he principally fixed his attention and lavished his cares upon the plants of known utility. When afterwards retired at Freta, near Lyons, he founded there a collection, drawn from the four quarters of the world.

It is unfortunate that after the death of Poivre, his garden did not find in his successor a zealous cultivator, to preserve and especially to spread abroad the plants which Poivre had collected. The person who propagates a useful plant, makes its value known, renders it popular and brings it into general use, merits as much the gratitude of the society, as he who may have merely introduced it from its remote native region. Thus the potato had been known in Europe and in France for two centuries, without any benefit to the people; whilst that in the last forty to fifty years, that by the zeal of Parmentier, and since by our

fellow members Sagaret and Vilmorin, this vegetable has been disseminated and cultivated in almost every part of France, introduced into every household, and even upon the tables of the rich, France has not suffered the terrible scourge of famine which, twice or thrice in each century, had before afflicted the nation.

JAUME SAINT-HILAIRE.

It can scarcely be supposed that a committee chosen by the most distinguished agricultural society in France, and the society also, with the specimens before them, could be mistaken as to the identity of the several trees with the morus multicaulis; and the publication of the report, without objection or contradiction then, or subsequently, from any quarter, is sufficient confirmation of the judgment of the committee. But though the fact is well worthy of notice, as a matter of curiosity, it serves not in the slightest degree to diminish the merit of Perrottet, the subsequent (and as he himself, thought the earliest) discoverer and introducer of the morus multicaulis into Europe. And neither would the fact (if true) of Fonville's having brought one of the then new plants to North Carolina, among his other species of mulberry, and its progeny having lingered through half a century of neglect, and ignorance of its kind and value, detract in the least from the credit due to those who have made the value known, and thus caused the extensive propagation of the tree in Europe, and still more in this country. It was our having taken this view of the subject which prevented the bringing before the public at an earlier time the report of M. Saint-Hilaire. For though we went zealously and fully into the controversy as to the introduction of the morus multicaulis into this country, it was to transfer the award of merit from where it had been misplaced, to where it was justly due; and to decide the question as to who had disseminated this plant and extended its culture with a knowledge of its value, and not merely as to who might have been the first importer *by chance,* or one of the earliest possessors, also by chance, and in ignorance of its value, or without showing any zeal, or making any effort to extend the culture, except as, and when afterwards it became, an article of very profitable sale and speculation. In our appeal on this subject (p. 497, vol. vi.,) designed to show that the great merit of public service in this respect, was justly due to Gideon B. Smith, and not in the slightest degree where assumed, (and in the latter case we affirm that there was no more claim for the first importation from Europe than for the after dissemination,)

we should have passed over all consideration of the importation from abroad, as immaterial to the argument, but for the merit of the importation, as well as the after and gratuitous distribution, being assumed by a person having no ground whatever on which to found such broad pretensions. But let the honor due be awarded to *all* who have any *just claim*, either to discovering, or making known the utility of the plant, and spreading its propagation with disinterested and philanthropic views, as well as to those who, though merely as intelligent and curious observers, were induced to select and introduce the plants from remote countries. Among the latter, without abstracting any thing from the credit justly due and heretofore awarded to Perrottet, there is ample room for the intelligent and zealous Poivre, and also for Fonville, should the claim for his importation be established.

HUGH WILLIAMSON GIVEN AUTHORITY TO SEARCH RECORDS[15]

SATURDAY, December 28, 1793.

The House met according to adjournment.

A message from his Excellency the Governor:

To the Honourable the General Assembly of the State of North-Carolina.

GENTLEMEN,

I herewith send you a letter from Hugh Williamson,[16] Esq requesting permission to search the Secretary of State's Office for such papers and documents as will assist him in the work he is about to undertake, as mentioned in said letter; and as I have an opinion it will be of great advantage, to this country, and cannot be attended with any disadvantage, I make no doubt but you will give him leave to proceed in the business, by granting his request.

RICHARD DOBBS SPAIGHT.

The application of Dr. Hugh Williamson to the Governor, for permission to search the records of this state to procure mate-

[15] Journal of the House of Commons, December 28, 1793.

[16] Hugh Williamson was born in Pennsylvania in 1735. In 1764 he went to Europe to study medicine, after which he practiced in Philadelphia with success, but his health compelled him to change his occupation which he did by entering the mercantile business which later brought him to North Carolina. He entered public life about 1780. He was a licensed Presbyterian minister, professor of mathematics, physician, soldier, legislator, delegate to the Continental Congress, author of several treatise and essays and a two volume history of North Carolina.

rials for compiling a history[17] of North Carolina, having been laid before this House by message from his Excellency accompanying said application:

Resolved, in the opinion of this House, That Dr. Hugh Williamson should have free access to any of the public offices of this state; which in his opinion may contain useful information for his intended history; and that he have liberty to examine the archives in said offices contained, and make such extracts from the same as he may deem expedient; and that his Excellency do signify the same to Dr. Williamson.

JUDGES APPOINTED AFTER THE ADOPTION OF THE CONSTITUTION[18]

North Carolina

The Congress of this State having by Ordinance appointed Cornelius Harnett, Thomas Person,[19] William Dry,[19] William Haywood, Edward Starkey, Joseph Leech and Thomas Eaton Esquires a Council of State. In consequence whereof Cornelius Harnett, William Haywood, Edward Starkey and Joseph Leech and Thomas Eaton Esquires met at the Town of New Bern the sixteenth day of January in the year of our Lord one thousand seven hundred and seventy seven, where His Excellency Richard Caswell Esquire Governor the said Cornelius Harnett, William Haywood, Edward Starkey and Joseph Leech and Thomas Eaton Esquires and James Glasgow Esquire Secretary of the State were Qualified agreeable to an Ordinance of this State directing the Qualification of Public Officers by takeing and Subscribing the oath therein mentioned. after which the said Members of Council took their Seats at the Board and made choice of Cornelius Harnet Esquire for president.

. . . . . .

Resolved that it be recommended to His Excellency the Governor[20] to appoint the following persons Judges of the Courts and Sessions of the Peace Oyer and Terminer and General Goal Delivery to be held for the different districts in this State to-wit

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[17] The History of North Carolina in two volumes was published in 1812.

[18] MSS. Papers of Council of State. See also *Colonial Records,* Vol. XXII, p. 907.

[19] Declined to serve. *North Carolina Manual,* 1913, p. 421.

[20] Due to the controversy over the attachment clause in the Court Laws, the Superior Courts had been suspended since 1773 which prevented criminal procedure. The Provincial Congress met at Halifax Nov. 12, 1776, and elected a governor, secretary and council of state. This Congress adopted a constitution which provided that the General Assembly which was to meet April 6, 1777, should elect judges of "Supreme Courts" by joint ballot; but because of the congested conditions of the courts and jails the Council of State recommended that the Governor make temporary appointments to relieve the situation until the General Assembly should make permanent provision.

Samuel Ashe,[21] Samuel Swann[22]—Esqrs for the District of Wilmington.

Abner Nash,[23] James Davis[24]—Esqrs for the district of New Bern.

Jasper Chalton,[25] William Brimage[26]—Esqrs for the district of Edenton.

Montfort Elbeck,[27] Willie Jones[28]—Esqrs for the District of Halifax.

John Penn,[29] John Kinchen[30]—Esquires for the district of Hillsborough.

Samuel Spencer,[31] Waigh[t]stil[l] Avery[32]—Esquires for the district of Salisbury.

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[21] Samuel Ashe was born on the Cape Fear River in 1725, was educated at Harvard, studied law under Samuel Swann, was a member of the Provincial Congress, judge and governor of the State. He died at Rocky Point in 1813. Ashe's *Biographical History*, Vol. VIII, p. 17.

[22] Samuel Swann was born October 31, 1704, was Speaker of the General Assembly, in 1752 revised the laws, which revisal was commonly known as the "Yellow Jacket," and was a jurist of prominence. He fell in a duel with John Bradley. Wheeler's *Reminiscences*, p. 306.

[23] Abner Nash was born about 1740 in Prince Edward County, Virginia. He was a member of the General Assembly, a member of the Provincial Congress, a member of the Council of State, Speaker of the House of Commons, a delegate to the Continental Congress, judge and governor of the State. He died in 1786.

[24] James Davis was probably born in Virginia. He came to North Carolina and in 1749 set up his printing press to do the State printing. He was a justice of the peace, sheriff, a member of the Provincial Congress, and a member of the Council of State. Ashe's *Biographical History*, Vol. VIII, p. 139. The confession of the criminal, Spencer Dew, in 1773, alleging that Davis was involved in counterfeiting, published in October, 1927, *Review*, p. 473, apparently had no influence with the leading men of the day as he was elected a member of the Provincial Congress, judge, and a member of the Council of State after Dew made the confession.

[25] No other reference to this man has been found.

[26] William Brimage was deputy attorney for the Crown, a member of the Provincial Congress, and judge. In July, 1777, he was suspected of leading the Tories in a conspiracy, and was arrested and eventually sent out of the State.

[27] Montfort Elbeck was a justice of the peace, sheriff of Halifax County, and judge.

[28] Willie Jones was a member of the Committee of Safety, a member of the Continental Congress, a member of the legislature from 1776 to 1780, and a member of the convention that rejected the constitution at Hillsboro in 1788. Wheeler's *Reminiscences*, p. 196.

[29] John Penn was born in Caroline County, Virginia, 1741. He came to North Carolina in 1774. He was a member of the Provincial Congress, a delegate to the Continental Congress and a signer of the Declaration of Independence. He questioned the legality of his appointment as judge and declined to serve. Ashe's *Biographical History*, Vol. VIII, p. 414.

[30] John Kinchen was a member of the General Assembly, a member of the Provincial Congress, a member of the Provincial Council, was nominated as a delegate to the Continental Congress, and for Attorney-General, was a member of the Board of Auditors and the Council of State. He questioned the legality of his appointment as judge and declined to serve.

[31] Samuel Spencer was a member of the General Assembly, a member of the Provincial Congress, a delegate to the Continental Congress, judge, a member of the convention that formed the constitution, and a member of the convention that rejected the Federal Constitution in 1788. Wheeler's *Reminiscences*, p. 5.

[32] Waightstill Avery was born in Connecticut 1741, and came to North Carolina 1769. He was a member of the Provincial Congress at Hillsboro, in 1775, and at Halifax 1776, a member of the House of Commons, Attorney-General, and colonel of militia. Ashe's *Biographical History*, Vol. VII, p. 1.

FINANCES AND DELINQUENT TAXES OF NORTH CAROLINA[33]

NEWBERN, *March* 24

MR. DAVIS,[34]

I was a good deal surprised at hearing the late House of Burgesses accused of being the Cause of their own Dissolution. I was still more so upon afterwards seeing the Resolves which are said to have occasioned it. One would not expect to find such Difference of Opinion on a Matter which entirely depends upon Numbers, and is capable of the clearest Demonstration. And least of all would it be expected betwixt two of the legislative Branches of a Country. They certainly are in all such Cases possessed of every Means of Information, and are supposed to pass no distinctive judgment till after the fullest Investigation. As People whose Pursuits are foreign to such Things, though equally interested with others, cannot be supposed to know the Truth, and must now be at a Loss how to conduct themselves; but more especially, as it has in one of the back County Courts become a Matter of legal Enquiry, I have been induced to try what Light[35] the printed States of the Public Accounts would throw upon the Subject.

If my Calculations are right, the Publication may do good; if they are wrong, and any Gentleman who has a better Opportunity to know, will take the same Pains to point out the Error, he will at least find one Man open to Conviction.

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[33] *North Carolina Gazette*, March 24, 1775, p. 2, 3, c. 3—1, 2, 3.

[34] James Davis of New Bern published the *North Carolina Gazette* which was the first newspaper published in the State. Its publication was begun in 1751.

[35] W. L. Saunders writing on this subject has the following to say:

"*Unlawful Taxation Under Color of Legislative Authority.*—The proof under this head, though full and entirely convincing, can be stated in a very brief compass. It will be remembered that, from the time each issue of government notes that constituted the public debt of the Province had been made, a tax had been annually levied and collected as a sinking fund for its payment. These taxes were poll-taxes, and, as the total of the debt was well known, and the number of taxable polls known with reasonable certainty, as well as the tax per poll, it was easy to form some idea when the debt ought to have been paid off. When the Regulators began their movement under that name, the calculation was that from 25,000 to 30,000 pounds had been collected from the people more than enough to pay off the public debt, though the tax still continued, and without any prospect of its coming to an end. Tryon himself said that, from various causes, partly from the embezzlement of Sheriffs, not more than one-third of the tax levied was paid to the Public Treasurers. The fraud became so patent that the Assembly, on 5th December, 1768, formally declared that the taxes for sinking the 12,000 pounds granted in 1760, and the 20,000 pounds granted in 1761, had had their effect and ought not henceforth to be collected—and this in spite of Fanning's report that they ought to be collected for the next year. Governor Tryon, however, refused to give his consent thereto and the Sheriffs continued their collections. Not content with this, the Legislature appointed Mr. John Burgwin, Clerk of the Upper House and a thorough accountant, to examine into the matter and report the facts. His report, a copy of which we have, shows that, in the year 1770, there was at least one defaulting Sheriff in every county in the Province; that in most counties there was more than one; that the defalcations had been occurring for many years, and that the total indebtedness of the various Sheriffs in the several counties was 64,013 pounds 13 shillings 3 pence. Subsequent to this report, but subsequent also to the battle of Alamance, the Assembly (the same Assembly that passed the bloody Johnston Bill) forbade the Sheriffs any longer to collect the taxes in question. But that by no means brought back to life the men killed on the banks of the Great Alamance." *Colonial Records*, Vol. VII, pp. xvi, xvii.

It appears from Mr. *Burgwin's*[36] List of Debts, which includes the Collection for the year 1770, that there was then due to the Public 64013£. for Taxes, and 2429£. for Rum Duties. And it appears from his State of the sinking Fund at the same Time, that there remained only 42594£. in Circulation of all the Proclamation Money emitted before the Year 1762. We were also given to understand that 10 *per Cent.* had been regularly deducted for Insolvents, except in a very few Cases. At first Sight it would seem to follow that there was even then in Debts, indisputably good, more than enough to sink all the old Paper Money; and that the Tax laid for that Purpose ought to have ceased before that Time. In this Point of View I dare say a great Majority of the last Assembly[37] saw this Matter, and of Course almost all the People of the Province have adopted the same Opinion. But, Sir, I fancy the Gentlemen who have acted as a Committee for settling with the Treasurers, can give a very different Account of it. They can inform you, Sir, that this 64013£. was Arrears due for seventeen Years back, that a Part only belonging to each Year was appropriated by Law to the Purpose of burning the Money; that this Part in some of the Years did not amount to one twelfth Part of the Arrears for that Year; that all the Remainder has been collected for defraying the contingent Charges of Government; and that nothing less than a positive Law for that Purpose can justify the Application of Money collected for the contingent Fund to the Purpose of sinking the Paper Currency.

From the Tables[38] of Taxes published at the same Time by Mr. *Burgwin,* I have been enabled to make the following Esti-

[36] John Burgwin was a justice of the peace, clerk of council and upper house, clerk of Court of Chancery, etc., and was appointed to inquire into the sinking fund, and to report the delinquent taxes.

[37] Resolutions of the Assembly: John Burgwin Esquire having in pursuance of a Resolve of last Session of the Assembly of this Colony at a great expence and trouble in sending of Express to different parts of this Government and collecting of a compleat list of Taxables from the several Counties of this Province down to the present time and other papers, public transcripts and vouchers specifying the delinquent sheriffs and their securities and other public collectors and defaulters of unaccounted monies, and with unwearied application, great skill and much accuracy and exactness exhibited to this House a methodical regular and plain state of the Public Accounts of this Province so far as relates to the collection of Taxes in the Southern District, and the duty on spirituous liquors imported into the several Ports within this Province and he having engaged to go to Halifax and to continue his pursuit in making a similar state of the Taxes collected on which ought to have been collected by the several Sheriffs of the respective Counties in the Northern District and to have the same published under his particular direction and inspection, and copies thereof transmitted to the different Counties in this Province.

Resolved, that for such the said John Burgwin's great trouble and expences and singular services thereby rendered the public, He be allowed out of the Public Treasury of this Province three hundred pounds.

Resolved, that all real future necessary expences that may be incurred in printing and publishing six hundred copies of the state of the public accounts and the different Funds shall be allowed to him as a Claim on the Public. *Colonial Records,* Vol. VIII, p. 379.

[38] See Burgwin's report in *Colonial Records,* Vol. VIII, pp. 278, 279, 280, 281.

mate of the Sums which will belong to the sinking Fund out of the Arrears due for each Year. I believe it will be found right upon Examination.

For the Year	*Whole of the Public Tax*		*Arrears Due by Mr. Burgwin's List of Debts*			*Sinking Part of the Tax*	*The Part Due the Sinking Fund for Each Year*		
	s.	d.	£.	s.	d.	s.	£.	s.	d.
1754	1	8	600	16	2	1	360	9	8
1755	5	7	1337	10	10	1	239	17	0
1756	7	7	739	12	8	1	112	7	0
1757	10	1	1181	5	0	1	117	3	0
1758	12	1	1810	6	8	1	149	16	0
1759	10	1	2749	7	2	1	272	13	0
1760	6	8	460	14	5	1	69	2	0
1761	7	3	1596	0	4	1	220	4	0
1762	6	2	733	5	6	1	118	18	0
1763	7	2	1772	14	6	2	494	14	0
1764	7	6	3296	9	6	4	1758	2	0
1765	6	0	3871	3	0	4	2580	15	4
1766	4	4	2596	11	7	4	2396	16	10
1767	7	0	6869	7	10	4	3925	7	4
1768	6	6	7406	4	0	1	1139	8	0
1769	5	10	12100	13	7	1	2074	8	0
1770	5	10	14894	0	5	1	2553	5	10
			64013	13	3		18583	7	0

There were some Debts even then acknowledged to be bad; there are others which I am certain will be found so; and there are some Collections for whole Years from particular Counties which must be lost to the Public, as there has been no Sheriff appointed to collect the Taxes, and no Steps likely to be taken to compel Payment. These amount to 13022£. 11s. 5d. But as these Losses fall heaviest on those Years, when the sinking Tax bore but a small Proportion to the Whole, the Loss upon that Fund amounts only to 2494£. 23s. It may be true that 10 *per Cent* has been *generally* deducted for Insolvents. I can only say it has not been deducted from the Year 1770; and if it has from the Year 1769, it appears by the Balance said to have been due for that Year, that there had been only 1400£. paid by all the Sheriffs in the Province for the Collection of that Year at the Time of stating the Accounts. I shall, however, admit it to have been done in all Cases, there still remains the Sheriffs Commission of 8 *per Cent.* and the Treasurers of 5 *per Cent.* to be de-

ducted, which, together make a little better than one eight Part of the Sum, and amounts to 2011£. 1s. 9d. I shall suppose, as the Amount of the Rum Duties could only be known from the Collectors Accounts, that their Commissions are already taken out; there only remains to deduct the Treasurers Commissions of 5 *per Cent,* from that Sum, amounting to 121£. 9s. 4d. and then the whole Account will stand thus:

Due the sinking Fund out of the Arrears of Taxes, including the Year 1770				£.	18583	7 0
Deduct for the Proportion of bad Debts					2494	13 0
				£.	16088	14 0
Deduct 1-8 for Sheriffs and Treasurers Commissions					2011	1 9
				£.	14077	12 3
Rum Duties	£.	2429	7 6			
Deduct 5 per Cent Treasurers Commission		121	9 4		2307	13 2
				£.	16385	5 5

From hence it appears that 16385£. 5s. 5d. is all that can possibly belong to the sinking Fund out of the 66443£. due to the Public, according to Mr. *Burgwin's* List. Let us now add the Collection of the one Shilling Tax for the Years 1771 and 1772. There was no Collection at all for the Year 1773, and by the Resolves of the last Assembly it ought not to be collected for the Year 1774. The largest List of Taxables which I have yet seen for any Year fell short of 53000, from which if we deduct 10 *per Cent.* for Insolvents, 8 *per Cent.* for collecting, and 5 *per Cent.* for the Treasurers, we shall find the Number reduced to about 40000. The Sum therefore of 40000£. is all that can reasonably be expected to arise from the Collection of these Years. It must then follow, if there is Truth in Figures, that there will remain a Ballance of old Proc. Money in Circulation above 22000£. for sinking whereof there is no Provision made, except only the Sum that has or may arise from the Collection of the Duties on Liquors for the Years 1771, 1772, and 1773. Of this I can make no Estimate, having no Rule to calculate by. But I should suppose ?000£. clear of all Deduction, a very large Allowance.

This State, Mr. *Davis,* I doubt not, will appear strange to those who are satisfied with the first Views of Things. I con-

fess it appeared wholly unaccountable to me. In order, however, to assist any Gentleman who has an inclination to examine farther into this Affair, I shall just mention, that from the printed Table of Taxes, it appears that the Taxes laid for sinking the 12000£. emitted in the Year 1760, and the 20000£. in the Year 1761, and which were voted off in the Year 1768, will fall short about 11000£. Below is the State of the Collections for these two Emissions—

In 1763, 37329 Taxables, at 1s.			£.	1866 9
1764, 40586	- -	3		6087 18
1765, 41075	- -	3		6161 5
1766, 43811	- -	3		6571 13
1767, 40093	- -	3		7003 19
			£.	27691 4
Deduct 1-4, *viz* 10 *per Cent.* for Insolvents, 8 *per Cent.* for Sheriffs, 5 *per Cent.* for Treasurers Commission, and a very small Sum for bad Debts				6922 4
			£.	20769 0
			Deficient.	11231 0
				£. 32000

We seldom think ourselves much obliged to the Man who tells us disagreeable Truths. This Attempt, therefore, to explain the true State of the Sinking Fund may not be pleasing. Truth, however, has been the sold Object of my Enquiry; and the Interest and Honour of the Province the only Aim of this Publication. I am far from thinking that the Tax ought to be continued until the whole Sum be actually brought to the Oven, but surely the Laws of the Country, and the Obligations of moral justice, require that it should continue till such a Sum is, or ought to be in the Hands of Sheriffs, Collectors, and Treasurers (from whom there is at least a Probability of recovering) as will be sufficient, with what was burnt at last Settlement, to sink the whole Sum of 42594£.

Perhaps nothing can be of greater Importance to the Wellbeing of a Country, than a regular Management of the Public Revenue; and in no Country have the Public Accounts been in greater Confusion than in this. Notwithstanding the laudable Attempts that have lately been made to bring them into Order,

the Work seems far from being complete; and it were to be wished that some new Measures were adopted for its Accomplishment. Far be it from me to think of directing the Gentlemen of the House of Burgesses, many of whom I know to be better acquainted with the Public Accounts than I am. I beg Leave, however, with great Deference, to submit it to their Consideration, whether it might not be for the Advantage of this Country, first, To place all the Arrears that may be still due for the Years 1754 and 1770 inclusive (or for a less Number of Years) into the Hands of a Collector distinct from the Treasurer, whose Business it should be to attend all the Courts where Suits are or may be commenced for the said Arrears, and to prosecute them with Vigour, and to appropriate all such Money, when received, to the Purpose of sinking the Currency.

Secondly, To appoint one Treasurer[39] only instead of two. In other more extensive and more opulent Governments, where the Trouble is much greater, and the Funds more intricate than ours now are, they never have thought of dividing the Treasury. This Measure would save two or two and a Half *per Cent.* Commission on all Public Money, besides about 150£. which is paid at every Settlement for reducing the Accounts of both into one; the Settlement with the Treasurer would be more simple; and the public would have less to apprehend from the personal influence of one than of Two Gentlemen, whose Interest must be considerable to intitle him to such a Trust in any Country. Against the Present Mode I need only mention our uniform Experience of the Difficulty to bring both Treasurers to settle at the same Time; while every Argument founded in Reason, Example, and public Utility, may be urged in Favor of one.

Lastly, I would recommend to the Gentlemen of the Assembly, whenever they again publish a State of the Public Accounts, to distinguish carefully the Sums from which Insolvents have already been deducted, and subjoin a List of the Sums paid by the respective Sheriffs. I would least of all be understood to except those Sums which are always said to have been paid to the Treasurer during the Sitting of the Assembly. Under that Description Half the Arrears said to be due to the Public might be included. Besides, is it not cruel to publish a Sheriff as a Public Debtor who has faithfully discharged his Duty? And has it not an evident Tendency to defeat the original Design of such Publication? If such a Measure was adopted, though it might not explain the Reason why the Sums opposite to several Sheriffs

[39] From 1715 to 1740 Edward Moseley was Treasurer of the Province-at-large but from 1740 to 1776 the Province was divided into a Southern and Northern District, each District having its own Treasurer.

Names in the Last List of Debts have swelled since Mr. *Burgwin's* List was printed,—it might however enable any of the Gentlemen when at home and at Leisure, to examine, and perhaps detect other Errors which the Hurry of Affairs prevented during the Session.

Having no other Apology, to offer for the Length of this Letter, than a sincere Desire to do Service to the Public, I shall conclude by observing, that it is easy to cavil, but in this Case it will require Pen and Ink to confute.

I am, Sir,

YOUR HUMBLE SERVANT.

BOOK REVIEWS

CHURCH AND STATE IN MEXICO, 1822-1857. By Wilfrid Hardy Callcott, Associate Professor of History in the University of South Carolina. (Durham: Duke University Press, 1926. Pp. 357. $4.00.)

This volume, though limited in the period considered to the years 1822-1857, is of timely interest. Such would be the case since the historical service or disservice rendered by the Church to the Mexican nation is a factor in the present contest in that state. In addition, many of the contemporary problems are similar to those over which conflicts were waged during the period treated. The question of Church and State in Mexico is an excellent example of continuity in history. It is to be hoped that Professor Callcott will write a supplementary volume that will bring the story down to the present date. Moreover, this book is welcomed as a scholarly work of merit.

The history of the relationship of Church and State in Mexico, according to the author, involves that of many influences—the landowners, the army, the conflict of classes, the progress of the democratic movement, etc. This is, therefore, not solely a history of the Church; and the task that was envisaged by the author offered a wide range of selection of materials. Comprehension of the diversified ramifications of the subject required a knowledge of Mexican history. That the author, in his initial effort, executed his task well is a tribute to his training and industry.

Professor Callcott sets the story of the relations of Church and State against a background of a contest between the wealthy and privileged classes on the one side and the masses of the poor and unprivileged on the other. To him, the people gropingly seek liberty and democracy. This interpretation will probably be regarded by some as a conjecture or as an assumption. That ideals of liberty and democracy were entertained and propagated by individuals in Mexico is indisputable, but what ideals or aspirations or interests motivated the masses—if one takes the dangerous step of assuming unity of opinion in the masses—

are, to the reviewer, matters of speculation. Indeed, the author, when referring to one period of the liberal movement (p. 97), wrote "As a matter of fact, the masses of the people scarcely knew what the agitation was all about." Another assumption, not wholly unrelated to the major thesis, the author writes of as a "foregone conclusion." Respecting the judicial system of the people of English origin, he makes this remarkable statement—"With them it has become a foregone conclusion that, when a case is to be tried, justice will be done regardless of the status of the men concerned, be he rich or poor, old or young, clergyman or layman" (p. 3). In this sentence, the author wisely omitted the alternatives of white or black, man or woman. The status of youth and age, the laity and the clergy, in our courts would afford topics of interesting research and comment, but several of us are already very certain that whether a "man" is rich or poor has quite a bit of weight with our revered "blind" Goddess of Justice. With reference to the major thesis—that of the connection of the efforts to bring about separation of Church and State with the democratic movement—one may accept the interpretation or regard it as *obiter dictum* without altering one's judgment of the merit and utility of the book. It should be mentioned, however, that Professor Callcott in the main avoids interpretation, writing with restraint and without dogmatism. To this general opinion the exception might be taken that the Church was not treated with appreciative justice. The book, however, represents a difficult labor, well done.

W. W. PIERSON, JR.

UNIVERSITY OF NORTH CAROLINA.

HISTORY OF EUROPE, 1492-1815. By Chester Penn Higby, Professor of History in the University of North Carolina. Under the editorship of James T. Shotwell, Professor of History, Columbia University. (Boston: Houghton Mifflin Company. 1927. Pp. xi, 479, xii. $3.25.)

We are at last getting results from this "New History" about which we have heard so much in recent years. Of course it is infinitely harder actually to write the "New History" than it is to talk about it. Professor Higby is to be congratulated on a positive achievement with his History of Europe, 1492-1815.

He has produced a new type of college text. There are already so many texts for college use covering this field that nothing but a radical departure in its treatment could justify another. Here is a book so different from the herd as to deserve more than passing notice, really "New History."

European history from 1492 to 1815, "between the opening of the Modern Period and the close of the Napoleonic Period," is a synthetic whole to Professor Higby. He could hardly subscribe to Professor Preston Slosson's recent dictum that "all historical *periods* are quite arbitrary" (*Twentieth Century Europe*). He finds his unity in trying to "estimate the permanent influence of the events" which "broke down the conditions and institutions characteristic of the Middle Ages and so helped to produce the Modern World." His work starts with a survey of "Europe at the Opening of the Sixteenth Century" and closes with one of "Europe in 1815." Economic, social, religious, and cultural as well as political conditions are analyzed in each survey. Moreover, and this marks the advance of this book over most texts, the author "attempts," and highly succeeds, in weaving all these same elements into the body of the narrative which separates his first and last chapters.

Here is a book that seeks explanations. It will stimulate thought processes. This is at the same time both its strength and its weakness. Its interpretations of the events of modern history are not the only ones possible. Nor indeed is such implied. The author takes great pains to add to each chapter an adequate and carefully classified list of reference materials.

A Robinsonian flare is in evidence throughout Professor Higby's work; he holds that the mind is responsible for the direction of world events; many pages are devoted to the story of intellectual leadership. The author's selection of minds is interesting. He gives three full pages to Jean Jacques Rosseau whereas William Shakespeare is not mentioned. Jethro Tull, Robert Bakewell, and James Brindley are. It is this element of choice and opinion that makes the work interesting. There is a challenge to thought throughout. Contrast, for example, with the usual treatment of the Lutheran Revolt this summary paragraph:

"The movement led by Luther was, therefore, a manysided one. From one point of view it was a religious revolt of men no longer satisfied with the government, forms, and doctrines of the Church nevertheless, selfish and sordid motives contributed to its success. It was to the financial and political interest of the states to champion the reform movement. The ruling princes and the middle class triumphed with it. From other points of view the movement was a failure. Temporarily it diverted attention from the new intellectual movement, and accomplished little for religious liberty. It was not an immediate ethical force. A Protestant obscurantism succeeded the Catholic opposition to the advancement of knowledge so bitterly attacked by the Humanists. Unintentionally, nevertheless, it fostered the growth of the new intellectual spirit in accordance with which nothing is accepted on authority and everything is subject to inquiry."

This paragraph is typical. It is so densely packed with ideas that the pedagogue may well ask whether it is within the compass of the ordinary college student. The New Historian replies that the old history required little intellectual effort save only memory. Moreover, Professor Higby's text contains the materials whereby each of his generalizations may be verified,—or refuted. In other words, here is a text to be studied.

E. F. HUMPHREY.

TRINITY COLLEGE.

THE CIVIL WAR AND READJUSTMENT IN KENTUCKY. By E. Merton Coulter, Professor of History in the University of Georgia. (Chapel Hill: The University of North Carolina Press, 1926. Pp. xii, 468. $3.50.)

In the process of analyzing the period of Civil War and Reconstruction, students of American history long ago discovered that, in that period at least, the United States was divided into three parts—the North, the South, and Kentucky. While it is safely possible to generalize about either of the first two sections, Kentucky defies inclusion in either. The opening paragraph of Professor Coulter's interesting and valuable study contains the explanation of this marked individuality. Kentucky was a "borderland between two diverging civilizations." A study of this community, notable always for its quality and its fervent patriotism, during the death-struggle between the two civiliza-

tions and its aftermath, has long been greatly needed by students of the period, and Mr. Coulter has supplied the lack in masterly fashion.

In this unique borderland was found through the years of the nineteenth century preceding 1860 a passion for the Union and a states rights sentiment almost as intense. Without abandoning the principles of the Resolutions of 1798, the people of Kentucky believed devoutly in the essential truth of the words they chiselled into the stone of the Washington Monument: "Under the auspices of Heaven and the precepts of Washington, Kentucky will be the last to give up the Union." The result was the development of an attitude of mind, which found its best expression in Henry Clay and John J. Crittenden, a belief that the Union must be preserved at any cost save the destruction of states rights, that there was no conflict between the rights of the Union and the rights of the states, and that threats of conflict, brought forward by conflicting interests, must be settled by compromise.

Geographically and socially, Kentucky was of the South, but its economic interests were divided between the sections. Through the emigration of Kentuckians to the Northwest, its social bonds with the North were being steadily strengthened also. But in 1860 sentiment inclined the State to the South, and economic interests, which was really what made it national, pulled it to the North, an inclination rendered much more pronounced by the consciousness of how exposed it was to the military menace of the North. It is not wonderful, therefore, that Kentucky, in the crisis of 1861, should have attempted a policy of neutrality, a policy impossible of success and in itself as extreme an assertion of state sovereignty as was secession. To this policy the mass of the people were undoubtedly committed, but in spite of this fact, there was not—indeed there could not be—any neutrality of hearts; every man in his heart adhered to the North or the South, and so strong was the emotional appeal of the South that neutrality, as a substitute for secession, was in reality a distinct victory for the Union cause. Lincoln realized this, and his course, in the face of bitter criticism, outwardly respecting the State's stand, showed his statesmanship and saved

Kentucky to the Union. The Confederacy respected neutrality as a matter of course, but it was, nevertheless, the first to violate it. The result was that neutrality was abandoned, the Confederates were expelled from the State, and Kentucky was definitely committed to the side of the Union.

No sooner was the decision made, however, than reason was found to regret it. The policy of wholesale arbitary arrests was put into operation with rapidly increasing severity and soon alienated a large group of people who had been friendly, or relatively so, up to this time. The military authorities meddled persistently with the courts and controlled elections which speedily became anything but free. The administration grew steadily more unpopular and a year of Federal occupation made the State a hot-bed of discontent.

Lincoln's suggestion of compensated emancipation only intensified the feeling, and the emancipation proclamation almost drove the State over to the Confederacy. And for the rest of the war the military despotism into which the government of the United States had degenerated was nowhere more glaringly revealed than in Kentucky. In all essential respects the State was treated as conquered territory.

The period which followed the war saw a Confederate reaction. Because of this and because of bitter opposition to the Radical policy of Reconstruction, involving as it did not only the emancipation but the enfranchisement of the negroes, and even the possibility of Kentucky's being forced to undergo military reconstruction, the Democrats captured control of the State which became to all intents and purposes a part of the Solid South.

Professor Coulter handles his theme excellently so far as civil history is concerned; with military history he has, happily, not concerned himself. His study of the changing motives and attitudes of men, the play of political and economic motives, the flux of factions and parties, is admirably executed. Personally, I should have enjoyed an analysis of economic conditions from 1861 to 1865, and there are, doubtless, other topics which equally deserve treatment, but everything cannot be brought into the compass of one volume of medium size. If any sharp distinction

can be made between parts of a book where all are so good, it is probable that the chapters dealing with the period of readjustment, giving as they do an excellent picture of general conditions and the major problems of the State during Reconstruction, constitute the more valuable portion of the contribution which the entire study makes to an important period of American history.

This volume, like all of Professor Coulter's work, is based upon the most careful and exhaustive research, involving the use of all the known and available material, much of it used here for the first time. It is in every sense a scholarly piece of work. Not only is it accurate, adequate, and stamped with the authority which complete mastery of the subject gives; it is also notable for its human approach to the subject and its vividness of presentation.

J. G. de Roulhac Hamilton.

University of North Carolina.

George Washington, the Image and the Man. By W. E. Woodward. (New York: Boni and Liveright. 1926.)

George Washington, 1732-1762. The Human Being and the Hero. By Rupert Hughes. (New York: William Morrow and Company. 1926.)

Washington. By Joseph Dillaway Sawyer. (New York: The Macmillan Company. Two volumes. 1926.)

The Family Life of George Washington. By Charles Moore. (Boston and New York: Houghton Mifflin Company. 1926.)

George Washington's Rules of Civility and Decent Behaviour in Company and Conversation. Edited with an introduction by Charles Moore. (Boston and New York: Houghton Mifflin Company. 1926.)

The search for the "true" George Washington is off to a good start. If some gifted historian, with a talent for biography, were to start now, there might be some hope of making memorable the celebration of the two hundredth anniversary of Washington's birth, five years from now. Unfortunately, Washington's chief biographers—Chauncey Ford, Cabot Lodge, and Roscoe Thayer—all hail from New England. Their books are distinct failures in atmosphere and interpretation, measurable successes in scholarship and style. The bleakness of the New England tone, the carefully calculated effort to be God-like in impar-

tiality, the antipodal remoteness of the thinking and the outlook, political, social and economic, of Boston and Cambridge from Fredericksburg and Mount Vernon: these and other less easily definable qualities prove inadequate for picturizing, in vivid outline and suitable background, the majestic figure of Washington, Virginian, Southerner. Save for a few "curls" of eloquence, a dash of oratory and some purple patches, Woodrow Wilson's biography of Washington is a "flat tire." Marshall and Irving are now thrown on the dust heap—if for no other reason than ignorance of the basic facts, inaccessibility to the indispensable documents, concerning Washington, his life and career.

Perhaps, from the purely human standpoint, there is cause for rejoicing that some recent biographers of Washington are novelists, rather than historians. The Washington long "revered" by the American people is not a human being: he is a monster, a myth, a plaster saint. Away with this ludicrous effigy! Why, to be sure. But at the same time, let us not scrap common sense, poise, discrimination, scholarship, and historical procedure. The effigies of Woodward and Hughes are as romantically absurd, as fantastically unreal, as the images of their predecessors were disgustingly priggish, icily formal, or aloofly statuesque. It is exhilarating to watch the pieces of plaster fly beneath the ruthless blows of the tyro's hammer. But the new figure proudly set upon the pedestal is no less grotesque and monstrous than the old. The job is worth tackling; and the statues carved by the novelists are assuredly more "human," if not more "real," than the patently unreal, quite inhuman "counterfeit presentments" of the slobbering moralists, the cranky panegyrists, and the dreary historians.

Take Woodward, for example. You can't fail to get a "kick" out of it. He has most obviously "got up" his history; he has pounced delightedly, with the giggling triumph of the amateur, upon the sensational and ingeniously fantastic recent interpretations of the Revolution, its origin, causes, and background. It is a strange jumble of the silly and the acute, of biographical insight and personal idiosyncrasy. Washington, we are told, was an inferior general; continually defeated; incapable of grasping the brilliant military principles, as set forth by Woodward, which

would quickly have disposed of the British. The facts, like Washington, are stubborn. He was never "beaten," because he never lost faith in the ultimate issue of the Revolution, never wavered in his determination to triumph over his enemies. In face of apparently insuperable obstacles; menaced by a ghastly inefficiency in recruiting and in preserving an army intact; constantly retreating before armies too large to face in the open field, too skilled in arms to be defeated by disorganized militia; in command of forces sporadically dwindling away through the ruinous policy of short term enlistments; struggling beneath the alarming handicaps of insufficient food, clothing, armies, supplies, *materiel*: Washington had an immitigable "will to victory." Washington had the supreme quality of the great military commander: he never knew he was beaten, because he never acknowledged defeat. One after another the trained military commanders of Great Britain's armies went down before Washington, either directly or indirectly. The feeble American general of Woodward's characterization somehow or other, personally or through subordinates, succeeded in defeating Howe, Burgoyne, Clinton, and Cornwallis; and achieving the independence of the American colonies.

Take Hughes, next. His chapter headings read like the cheap labels of the sensational films. He strives by suggestion, innuendo, and slimy surmise, to show that Washington was a sensualist, a philanderer, and essentially dishonorable. The Sally Fairfax episode shows, to one not obsessed by a sensational thesis, that although Washington dearly loved the wife of another man, and told her so with delicacy but in unmistakable terms, he definitely gave her up, in marrying the widow Custis—sacrificing alluring romance for quiet devotion and "fireside affection." In historical research, Hughes is far more thorough than Woodward; but his description of Braddock's Defeat, for example, while interesting and exhaustive, reveals the weakness of the fictive artist in writing history: inability to assess properly the relative value of his materials, and the fatal tendency to throw things out of perspective, by attributing undue importance to the dramatic and the sensational.

The Achilles heel of both Woodward and Hughes is deliberate warping of evidence, drawing fanciful and unwarranted conclusions for the support of a pre-determined thesis. So wrong-headed are these sensationists in "biography" that both books may not unfairly be described as "masterpieces of fiction." Woodward's chief merit is in calling vigorous attention to Washington as a pioneer and as a captain of industry; but the credit belongs not to psittacine Woodward, but to his predecessors: Archer Hulbert and Ernest Prussing. It is impossible to review these books in brief compass; to correct all their misunderstandings, false surmises, and positive misstatements of fact. It would not be worth anybody's while to write what would be required—a lengthy volume—to refute Woodward and Hughes. Much better to spend the same time and labor, in writing a trustworthy biography of Washington.

Sawyer's big work is a vast picture gallery. The tone is reverential, the materials ample, the record reasonably accurate —save for some inexcusable "howlers." The 1500 illustrations, including 250 portraits of Washington, justify the publication of the work, which takes on the character of a pictorial story of Washington's life and career. Moore's book is an admirable work, giving an intimate picture of Washington's family, home life, and associations—a genuine contribution, filled with new material, culled from many sources, chiefly the great collection of Washingtoniana in the Library of Congress. The little volume, edited by Moore, on Washington's "Rules of Civility", is an excellent monograph. Moore clearly proves that the 110 rules compiled by Washington were taken, not directly from the French work "Bienseance de la Conversation entre les Hommes" (*circa* 1595) as claimed by Moncure D. Conway in 1891, but from a translation made by an English boy, Francis Hawkins, and first printed in 1640.

ARCHIBALD HENDERSON.

UNIVERSITY OF NORTH CAROLINA.

BOOKS RECEIVED

Andrew Jackson, An Epic in Homespun. By Gerald W. Johnson. (New York: Minton, Balch & Company. 1927. Pp. ix, 303. $3.50.)

Sources of the Constitution of the United States. By C. Ellis Stevens. (New York and London: Macmillan and Co. 1927. Pp. xix, 313. $2.00.)

History of American Foreign Relations. By Louis M. Sears. (New York: Thomas Y. Crowell Co. Pp. xiii, 648. $3.50.)

A Symposium on the Place of Discovery of the Mississippi River by Hernando de Soto. Edited by Dunbar Rowland. [Publications of the Mississippi Historical Society. Special Bulletin Number 1.] (Jackson: Mississippi Department of Archives and History. 1927. Pp. 103.)

Mississippi Provincial Archives, 1729-1740. French Dominion. French-English-Indian Relations. Wars with the Natchez and Chickasaw Indians. Collected, edited and translated by Dunbar Rowland and A. G. Sanders. Volume I. (Jackson: Mississippi Department of Archives and History. 1927. Pp. 488.)

Man's Quest for Social Guidance. The Study of Social Problems. By Howard W. Odum. [American Social Science Series. Under the editorship of Howard W. Odum.] (New York: Henry Holt and Company. 1927. Pp. xxi, 643. $4.50.)

Varina Howell, Wife of Jefferson Davis. By Eron Rowland. Volume I. (New York: The Macmillan Company. 1927. Pp. xv, 499. $4.00.)

Georgia and the Union in 1850. By Richard Harrison Shryock. (Durham: Duke University Press. 1926. Pp. viii, 406. $4.50.)

The Freedman's Savings Bank. A chapter on the Economic History of the Negro Race. By Walter L. Fleming. [Vanderbilt University Publications.] (Chapel Hill: University of North Carolina Press. 1927. Pp. x, 170. $2.00.)

Southern Exposure. By Peter Mitchel Wilson. (Chapel Hill: The University of North Carolina Press. 1927. Pp. 197. $2.00.)

The Capture of Old Vincennes. The Original Narratives of George Rogers Clark and of His Opponent Governor Henry Hamilton. Edited, with Introduction and Notes, by Milo M. Quaife. (Indianapolis: The Bobbs-Merrill Company. 1927. Pp. 231. $2.75.)

Fort Wayne, Gateway of the West, 1802-1813. Garrison Orderly Books. Indian Agency Account Book. Edited with Introduction and Notes by Bert J. Griswold. [Indiana Historical Collections, Volume XV.] (Indianapolis: Historical Bureau of the Indiana Library and Historical Department. 1927. Pp. xi, 690.)

Our State—Alabama. Compiled by Marie Bankhead Owen. [Publication of the Alabama State Department of Archives and History. Historical and Patriotic Series, No. 7.] (Birmingham: Birmingham Printing Company. 1927. Pp. 745.)

Hispanic-American History: A Syllabus. By William Whatley Pierson, Jr. (Chapel Hill: The University of North Carolina Press. 1926. Pp. 169. $1.50.)

HISTORICAL NEWS

The North Carolina Historical Commission receives requests for early numbers of the *North Carolina Manual, Proceedings of the State Literary and Historical Association, The North Carolina Booklet,* and the *North Carolina Day Program.* These publications are out of print. Anyone possessing duplicates of any of these publications is requested to send them to A. R. Newsome, Secretary of The North Carolina Historical Commission, Raleigh, N. C. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in the collections of libraries and students.

Back numbers of the *North Carolina Historical Review* may be secured from the Secretary of the North Carolina Historical Commission, at the regular price of $2.00 per volume or 50 cents per number.

Subscribers have probably noticed that the last two issues of the *Review* were late in being distributed and that there were variations in the type faces used. Both the delay and the changes in mechanical make-up have been made necessary by the failure of the Printing Commission to let the contracts for state printing for the biennium beginning July 1, 1927. The distribution of the October, 1927, issue was six weeks late. In case of the October and January issues, it has been necessary to employ different publishing companies, neither of which could duplicate the type faces used by the regular printer before the October issue.

Charles L. Coon, L. L. D., president of the State Literary and Historical Association and superintendent of the Wilson county public school system, died in Wilson on December 23, at the age of nearly fifty-nine. His career of thirty-six years in public school work has been distinguished by pioneering industry and outstanding achievement. He edited three volumes of the Publications of the North Carolina Historical Commission: *The Be-*

ginnings of Public Education in North Carolina: A Documentary History, 1790-1840, two volumes (1908); and *North Carolina Schools and Academies, 1790-1840: A Documentary History* (1915). The *North Carolina Historical Review,* since its establishment in 1924, has had the benefit of his counsel and judgment as a member of the editorial board. In recognition of his historical work, the State Literary and Historical Association, at its meeting in Raleigh on December 2, elected Dr. Coon president for 1927-1928.

The exercises of the twenty-seventh annual session of the State Literary and Historical Association and the annual sessions of the North Carolina State Art and Folk Lore Societies were held in Raleigh, December 1 and 2. The Sir Walter Hotel was headquarters of the three organizations.

The session was opened at the Hugh Morson High School, Thursday evening, December 1, with the invocation by Rev. W. A. Stanbury, of the Edenton Street Methodist Church, Raleigh. President Josephus Daniels, of the State Literary and Historical Association, delivered the presidential address, "The Great Renunciation." It dealt chiefly with the significance of the delayed ratification of the Federal Constitution by North Carolina under the leadership of Willie Jones. Gerrit A. Beneker then delivered an illustrated lecture, "Art in Everyday Life." Following the art lecture, there was a reception in the Virginia Dare Ballroom, Sir Walter Hotel, to members and guests of the Association and Societies. Music was furnished by The Raye Orchestra.

On Friday morning, December 2, a Conference on County History was held in the Manteo Room, Sir Walter Hotel. A. R. Newsome, Secretary of the North Carolina Historical Commission, presented a paper outlining the project which during the past six months has resulted in the appointment of a county historian by each of the Boards of Education in sixty-six counties, sketching the history of the local history movement in the State, and discussing the specific opportunities and problems of the county historians. Thirty-five historians from the following counties attended the conference: Alamance, Alexander,

Beaufort, Bertie, Bladen, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Duplin, Forsyth, Franklin, Gaston, Gates, Greene, Iredell, Lenoir, Mecklenburg, Nash, Orange, Pasquotank, Pitt, Robeson, Rockingham, Surry, Transylvania, Vance, Warren, Wayne, and Wilkes. An interesting and lengthy round-table discussion of practical problems in promoting county history was participated in by Francis D. Winston, Thomas M. Pittman, Adelaide L. Fries, Mrs. John H. Anderson, D. T. Smithwick, Captain S. A. Ashe, J. C. Leonard, Archibald Henderson, Mrs. H. A. London, Mary Arrington, W. F. Marshall, Julia Alexander, and President Josephus Daniels.

At a business meeting of the Association, immediately following the conference on county history, the following were nominated by the committee composed of W. F. Marshall, F. D. Winston, and Mrs. A. C. Avery, and elected as officers of the State Literary and Historical Association for the year 1927-1928: president, Charles L. Coon, Wilson; first vice-president, James Boyd, Southern Pines; second vice-president, Dr. D. T. Smithwick, Louisburg; third vice-president, Mrs. A. C. Avery, Asheville; secretary, A. R. Newsome, Raleigh. President Daniels made appointments on the Resolutions Committee as follows: Adelaide L. Fries, Mrs. W. C. Rodman, M. C. S. Noble.

The North Carolina State Art Society, at a business meeting, elected the following officers for the ensuing year: honorary president, Governor A. W. McLean, Raleigh; president, Mrs. Katherine Pendleton Arrington, Warrenton; first vice-president, Owen Kenan, Wilmington; second vice-president, Mrs. H. M. London, Raleigh; third vice-president, James M. Hanes, Winston-Salem; secretary, M. C. S. Noble, Jr., Raleigh; treasurer, John J. Blair, Raleigh.

At one o'clock, President Josephus Daniels gave a luncheon to the county historians in the dining room of the Sir Walter Hotel. Claude G. Bowers, S. A. Ashe, Archibald Henderson, and the members of the North Carolina Historical Commission were invited guests.

The North Carolina Folk Lore Society held its annual meeting in the auditorium of the Hugh Morson High School, Friday

afternoon, December 2nd. Its program consisted of the presidential address by Mrs. S. Westray Battle (vice-president), Asheville; a song recital of North American Indian Music, by Os-Ke-Non-Ton, Mohawk Indian baritone; and a business session at which the following officers were elected for the year 1927-1928: president, Mrs. S. Westray Battle, Asheville; first vice-president, Mrs. Josephus Daniels, Raleigh; second vice-president, Dr. Richard Dillard, Edenton; third vice-president, Lucy Cobb, Chapel Hill; secretary, Frank C. Brown, Durham.

The exercises of the twenty-seventh session of the State Literary and Historical Association were brought to a close, Friday evening, December 2, in the auditorium of the Hugh Morson High School by a brilliant address, "Myths and Omissions of History," by Claude G. Bowers, of the New York *World.*

The Boone Family Association conducted the Boone Wilderness Road Pilgrimage from Asheville, N. C., to Boonesborough, Ky., September 2-5, 1927. Appointed by Governor A. W. McLean as the representative of the State of North Carolina, Dr. Archibald Henderson participated in the pilgrimage, delivering addresses in Asheville, Cumberland Gap, Corbin, and Boonesborough. On September 5, at Boonesborough, Dr. Henderson presented to the children of the nation a small elm tree from the Cherokee National Forest as the gift of the school children of North Carolina. The elm was planted on the site where Richard Henderson convened the legislative assembly of Transylvania in 1775.

The *History of North Carolina Disciples of Christ,* by C. C. Ware, of Wilson, has been issued.

A memorial boulder in honor of General Daniel Harvey Hill, marking the site of the North Carolina Military Institute, 1859-1861, was unveiled in Charlotte, September 28, 1927, by the Stonewall Jackson Chapter, North Carolina Division, U. D. C. Governor A. W. McLean delivered the principal address.

A hand-embroidered North Carolina flag was presented by the North Carolina Society of Colonial Dames of America to the Valley Forge Memorial Chapel, October 9, at Valley Forge, Pa. Dr. Edward Wilson, president of the North Carolina Society of Philadelphia, delivered the principal address. Mrs. A. M. Waddell, president of the North Carolina Society, Mrs. J. H. Anderson, chairman of the flag committee, and a number of North Carolina Dames attended the exercises.

Dr. Archibald Henderson is the author of a series of articles in the Sunday editions of the *News and Observer* and other state papers as follows: Christian Reid, October 30; O. Henry, November 6; John Charles McNeill, November 13; C. Alphonso Smith, November 20; Literature in North Carolina, November 27; North Carolina Culture of Early Days, December 4. For the purpose of securing data for historical purposes, Dr. Henderson, Chapel Hill, N. C., wishes to correspond with descendants or anyone with information of Judge John Williams (1732-1799) and Colonel John Luttrell who fought in the Revolution and died in Chatham County about 1782.

The North Carolina State Art Society was incorporated by the State of North Carolina, October 6, 1927.

At Farmville, November 2, exercises were held in connection with the annual reunion of the Tyson family and the unveiling by the local chapter of the D. A. R. of a monument to Aaron and Cornelius Tyson.

"A New Daniel Boone Emerges from Myth," by Archibald Henderson, appeared in *The New York Times Magazine,* September 4, 1927.

An art exhibit of about one hundred American paintings and sculptures from the Grand Central Art Galleries, New York, was held in the Virginia Dare Ballroom, Sir Walter Hotel, Raleigh, for ten days beginning with November 30, 1927. The exhibit was secured by the North Carolina State Art Society, of which Mrs. Katherine Pendleton Arrington is president. The civic clubs and the art department of the Woman's Club of Ra-

leigh co-operated in arranging for the exhibit, which was opened formally on the evening of November 30 by addresses by Governor A. W. McLean and the artists accompanying the exhibit, and by a reception. The exhibit, valued at $350,000, was viewed by several thousand North Carolinians. The Art Society is seeking to procure an Art Museum for North Carolina.

County historians have been appointed by the Boards of Education in sixty-six counties in North Carolina. The following have been chosen since the publication of the early appointments in the October *Review*: Alamance, Rev. D. I. Offman, Route 7, Burlington; Alexander, Abner C. Payne, Taylorsville; Beaufort, Mrs. W. C. Rodman, Washington; Bertie, Francis D. Winston, Windsor; Brunswick, Carrie Dosher, Southport; Buncombe, Foster Sondley, Asheville; Carteret, M. Leslie Davis, Beaufort; Catawba, Pearl Setzer, Hickory; Craven, R. A. Nunn, New Bern; Davidson, Dr. J. C. Leonard, Lexington; Duplin, L. A. Beasley, Kenansville; Gates, Mrs. T. W. Costen, Gatesville; Halifax, W. M. Saunders, Roanoke Rapids; Henderson, Mrs. Lila Ripley Barnwell, Hendersonville; Hertford, John E. Vann, Winton; Jackson, W. E. Bird, Cullowhee; Johnston, J. A. Mitchiner, Selma; Lenoir, J. P. Joyner, La Grange; Lincoln, J. R. Nixon, Cherryville; McDowell, Mary M. Greenlee, Route 1, Old Fort; Mecklenburg, Julia Alexander, Charlotte; Nash, Mary Arrington, Rocky Mount; Onslow, Dr. Cyrus Thompson, Jacksonville; Orange, M. C. S. Noble, Chapel Hill; Polk, A. L. Berry, Tryon; Rockingham, Mrs. Lucile Reed, Leaksville; Rowan, Walter Murphy, Salisbury; Stanly, Lena Spinks, Albemarle; Stokes, H. M. Joyce, Danbury; Swain, Horace Kephart, Bryson City; Vance, Mrs. S. T. Peace, Henderson; Wake, Mary Hilliard Hinton, Raleigh; Warren, Mabel Davis, Warrenton; Wayne, J. O. Bowman, Mount Olive; Wilson, C. L. Coon, Wilson; Washington, Augusta C. Carstarphen, Roper.

The Elizabeth Maxwell Steele Chapter D. A. R. unveiled a bronze tablet on September 15 at the court house in Salisbury to the committee of safety which adopted the Rowan Resolves, August 8, 1774. The tablet bears resolution number seven:

"Resolved, That it is the Duty and Interest of all the American Colonies, firmly to unite in an indissoluble Union and Association to oppose by every Just and proper means the Infringement of their common Rights and Privileges."

The North Carolina Historical Commission has issued as one of its official series of Publications, *Some Eighteenth Century Tracts Concerning North Carolina.* Edited with Introductions and Notes by William K. Boyd, professor of history, Duke University. Pp. viii, 508.

By authority and provision of the Council of State and the Printing Commission, the State has issued *Public Papers and Letters of Cameron Morrison, Governor of North Carolina, 1921-1925.* Compiled by William H. Richardson, private secretary to the Governor, and edited by D. L. Corbitt, chief library assistant, North Carolina Historical Commission. Pp. xlviii, 365.

The North Carolina Library Association held its biennial meeting for 1925-1927 at Charlotte, November 2-3, 1927. On November 2, there was a general session at which A. R. Newsome spoke on "The Collection and Preservation of Local History by North Carolina Libraries;" a reception at the Woman's Club; and a dinner meeting at which Mrs. Lillian B. Griggs reported on "Library Progress in North Carolina, 1925-1927;" President Nellie M. Rowe spoke on "Responsibility of the Librarian to the State," and Miss Julia Wright Merrill, executive assistant to the committee on library extension, American Library Association, addressed the meeting on "The County Unit for Library Extension." On November 3, there were held section meetings; a general session which was addressed by Miss Louise Amole, Greensboro, and Dr. E. W. Knight, Chapel Hill; and a lecture by Frank P. Graham, Chapel Hill. New officers of the Association were elected as follows: president, Anne Pierce, Charlotte; vice-president, Frank Capps, Raleigh; second vice-president, Emma Woodward, Wilmington; secretary, Cornelia Love, Chapel Hill; and treasurer, Bertie Craig, Henderson.

The chief accessions to the collections of the North Carolina Historical Commission during the months of September-November, 1927, were: original muster and pay rolls of the 26th regiment, North Carolina troops; diary of Captain H. C. Albright of the 26th regiment; photostats of *The North Carolina Magazine* or *Universal Intelligencer*, 1764-1765, 204 pp., from Library of Congress; North Carolina material in Public Records Office, London, 174 pp. photostats and 292 pp. transcripts; four colonial North Carolina maps; Chatham County records, 2 volumes; Craven County records, 164 volumes and several thousand pieces of loose papers; and 34 volumes of Superior Court minutes and dockets, 1737-1869. The Craven County Records constitute the premier county collection in the archives of the Historical Commission. They include county court minutes, 1730-1868; court dockets, 1754-1869; inventories and settlements of estates, 1829-1867; wills and deeds, 1743-1839; election returns; apprenticeship papers; records of superintendent of common schools; guardians' accounts; wardens of the poor; tax accounts; bonds for emancipated slaves, etc.

CONTRIBUTORS TO THIS ISSUE

Dr. Mitchell B. Garrett is a professor of history in the University of North Carolina.

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Mr. A. R. Newsome is secretary of The North Carolina Historical Commission.

THE NORTH CAROLINA HISTORICAL REVIEW

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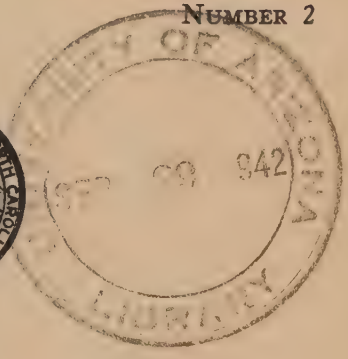

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This review was established in January, 1924, as a medium of publication and discussion of history in North Carolina. It is issued to other institutions by exchange, but to the general public by subscription only. The regular price is $2.00 a year. To members of the State Literary and Historical Association there is a special price of $1.00 a year.

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The North Carolina Historical Review

Volume V April, 1928 Number 2

THE PRESERVATION OF MISSISSIPPI HISTORY

By Wm. H. Weathersby

Mississippi, like many other comparatively new states, manifested little interest in the preservation of historical material during the early days of her history. The first important step toward the collection and preservation of historical data was taken at the Capitol in Jackson on November 9, 1858, by a small group of citizens who organized themselves into the "Historical Society of Mississippi."[1] This body immediately sought letters of incorporation, which they received when the act of the legislature for this purpose was approved by Governor William McWillie on November 17, 1858.[2]

In the act of incorporation a property limit was fixed at $50,000, and a room was provided in the Capitol building for the use of the society. The act provided, further, that the society should have access to the state archives, with permission to make extracts therefrom and to publish such extracts.[3]

Among the prominent members of this society was Col. J. F. H. Claiborne, the author of the first history of the state of Mississippi. The work done by this society is said to be the basis of this early history, which became the source of authority for succeeding historians. In the introduction to his history, Claiborne said that he "essayed to preserve time worn papers and documents" which had been instrusted to him, and that most of the facts in his book were "derived from MSS. of the prominent actors in the scenes described."[4]

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[1] Leavell, Z. T., Antebellum Historical Society, in the Publications of the Mississippi Historical Society, Vol. VIII, p. 228.
[2] *Laws of Mississippi*, 1858, pp. 161-162.
[3] *Ibid.*
[4] Claiborne, *History of Mississippi.*

The work of this early historical society was interrupted by the Civil War, and the organization distintegrated. During the next quarter of a century the people of Mississippi, burdened by the disastrous consequences of the war and the period of reconstruction, found little time for anything less practical than providing food and clothing for themselves and their families.

Early in 1890, however, the Mississippi Historical Society was again organized and incorporated. The act of incorporation was approved by Governor John M. Stone, February 17, 1890. In this act the purposes of the society were stated as follows: "to discover, collect, preserve, and perpetuate facts and events relating to the natural, aboriginal, civil, political, literary, and ecclesiastical history of the Territory and State of Mississippi, and the territory adjoining thereto." A collection of bound newspapers in the Capitol and the documents in the archive room were donated to the society. Provision was made that these and other collections of the society should be preserved at the University of Mississippi, which was declared "the principal place of business" of the organization.[5]

The Mississippi Historical Society is still an active body, and has made a valuable contribution in enlisting the interest of Mississippians in the history of their state, in preserving important historical documents, and the publication of the historical researches of its membership. For many years Dr. Franklin L. Riley was secretary of the society, and under his direction the organization issued fourteen annual volumes, entitled "Publications of the Mississippi Historical Society."

In 1900 the legislature took an important step, which manifested the interest of that body in the Historical Society, by passing an act entitled "An act to authorize the appointment of a historical commission, to regulate the powers and duties thereof, and to make an appropriation to aid the Mississippi Historical Society in printing its publications."[6] This act was approved by the governor on March 2, 1900, who named on the commission Dr. F. L. Riley, Bishop Charles B. Galloway, Professor J. M. White, and Rev. T. L. Mellen. This commission made a report in a substantial volume of 394 pages.[7]

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[5] *Laws of Mississippi*, 1890, pp. 620-622.
[6] *Laws of Mississippi*, 1900, pp. 37-38.
[7] *First Annual Report of the Department of Archives and History*, pp. 4-5.

While the work of the Mississippi Historical Society has been invaluable, it has been continually hampered by lack of funds and limited authority. The society has never been able to employ a man to devote his entire time exclusively to its work, and its membership is made up of men who have other callings, which require most of their time and energy. None have realized their limitations more than those who composed the society, nor have sought more earnestly to secure some state legislation that would insure the preservation of historical material of the state.

On January 14, 1902, Governor A. H. Longino, in a special message to the legislature, recommended the establishment of a State Department of Archives and History. In response to this message the legislature passed an act entitled "An act to establish a State Department of Archives and History, to prescribe its functions and duties, and for the issuing of future publications of the Mississippi Historical Society." This act became a law with the approval of the governor, February 22, 1902.[8] A separate act, approved the same day, made an appropriation for maintenance of the Department.

This act placed the Department of Archives and History under the control of a Board of Trustees of nine members, and made the executive committee of the Mississippi Historical Society the first Board. The president of the Mississippi Historical Society was authorized by the act to call a meeting of the Board of Trustees for purposes of organizing.

General Stephen D. Lee, president of the society, called the first meeting of the Board for March 14, 1902, at Jackson. The entire membership of the body were present. In addition to General Lee there were present Chancellor R. B. Fulton and Dr. Franklin L. Riley of the University of Mississippi, Professor George H. Brunson of Mississippi College, Professor J. M. White of the Mississippi A. and M. College, Dr. R. W. Jones, Bishop C. B. Galloway, and Professor J. R. Preston.[9]

The most important work of the Board of Trustees at this meeting was the election of a Director of the Department. Dr. Dunbar Rowland was chosen over two other competitors. An itemized list of duties of the Director was adopted by the Board, in which it was

[8] *Laws of Mississippi*, 1902, pp. 43-45.
[9] *First Annual Report, Department Archives and History*, pp. 6-9.

prescribed, among other things, that the Director was to have the care and custody of the official archives of the State, "to collect and preserve materials bearing upon the history of the State and the territory included therein from the earliest times," and to edit and compile official records and other historical material. He was charged particularly with the duty of collecting data with reference to the soldiers from Mississippi in the war between the United States and the Confederate States.[10]

Doctor Rowland now became *ex-officio* chairman of the Mississippi Historical Commission, and also, a few years later, Secretary of the Mississippi Historical Society, thus, eventually centering in him the direction of all the activities of the several historical organizations of the state. How well he has performed his duties in these various positions of responsibility, it will be the part of this paper, very inadequately, to present.

The first work of Director Rowland was the discovery and arranging of the official records of the territory and state. In his first annual report he relates how these official archives had been moved about from place to place before the permanent location of the Capitol at Jackson, and how during the Civil War, when the capture of Jackson by the Federals was imminent, Governor Pettus had the more important documents carried to Meridian, to Enterprise, to Columbus, and finally to Macon, from which place they were returned to Jackson in 1865. He concludes the account with a vivid description of the condition in which he found these documents as follows:

> There has been no official custody of the archives of the state not in use before the stablishment of this Department. Their value and importance have not been appreciated in the past and the treatment which they have received has been almost ruinous. * * * * While there has been sad neglect of the official records of the state, it can be safely said, however, that nothing has been deliberately consigned to flames and water as has frequently happened to the records of some states.
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> The old library room on the third floor of the (old) Capitol building was generally used as a place of deposit for the overflow of the departments. Many other rooms on the same floor were used for a like purpose and in the course of time an immense mass of the most valuable records of the state accumulated in that portion of the building. * * * * Official documents of all kinds were thrown together in hopeless confusion, and

[10] *First Annual Report of Department Archives and History*, pp. 14-15.

in this neglected condition they were generally regarded as old waste papers of no value.

The greater part of the official archives were allowed to remain in the old library room until about 1896. It was feared that the weight of the records above the Supreme Court room, where the old library was situated, was dangerous to the judges below, and the archives of the state *were sentenced and committed to the penitentiary.*

When the old penitentiary building was torn down to make way for the new Capitol the records were returned to the old Capitol, and placed in the corridors. They were packed in fifty boxes without regard to order or arrangement. The original packages were broken by rough handling, which resulted, in many instances, in the archives of Governor Sargents time being mingled in a confused mass with those of Governor Foote's administration.[11]

As he began the work of collecting and arranging the official records, the Director grouped them in three general divisions, as follows:

I. Provincial Archives, including all documents of the French, English and Spanish occupation.

II. Territorial Archives, extending from the beginning of Governor Sargent's administration, April 7, 1798, to the admission of the state into the Union, December 10, 1817.

III. State Archives, extending from the admission of the state to the present time.

The examination of the contents of the fifty boxes in the corridors of the old Capitol failed to reveal any provincial records or documents. Rather complete records of the territorial period were found, and, since these were available, the Director first sought out and arranged the material of this period.

The documents relating to the territorial period were classified in four series. Series A, consisting finally of forty volumes, contains executive journals, documents, and correspondence of the territorial governors.[12] Series B, consisting of twenty-nine volumes, preserves the auditors records of this period. Series C, in two volumes, contains the reports of the territorial treasurer from 1802 to 1816. In Series D are the legislative records, consisting of the journals of the two houses, acts of the General Assembly, bills introduced into the Assembly, petitions to the General Assembly, etc. These records are preserved in forty-eight volumes. The

[11] *Ibid*, pp. 15-16.
[12] *Twelfth Annual Report of the Department of Archives and History*, pp.50-55.

House and Senate Journals are incomplete, but the records of acts signed by the governors and of bills introduced into the Assembly are practically complete.

Director Rowland found the archives for the period of statehood from 1817 to 1900, while voluminous, not so complete as the records of the territorial period. There was a considerable loss of records from 1817 to 1839, when the first permanent Capitol building was erected. Apparently, when the various departments of government were removed from their temporary quarters to the old Capitol, the officials left behind in their old offices many valuable documents. From 1839 to 1861 the archives were fairly well preserved, but when Jackson was taken by the Federal army in 1863 there was some wanton destruction of the state records. Director Rowland says,[13]

> I have found many bound volumes that pages have been torn out, and as a reminder of the destroyer these words are frequently found written across the multilated pages:
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> 'Remember Grant,'
> 'Remember Sherman,'
> 'Remember U. S.'

The records of the war period, which had been hauled about from place to place as the state government fled from the invading armies, were found remarkably complete, but those of the reconstruction period and in fact down to 1895 were not properly preserved.

Director Rowland spent twelve years in arranging and classifying the records found in the corridors and on the third floor of the old Capitol, supplementing them with other documents discovered from time to time. Many of these discoveries disclose an interesting story, as for instance the finding of certain military records of the Civil War. After persistent search and inquiry the Director learned that Col. E. E. Baldwin, at one time a prominent lawyer of Jackson, knew where these records had been hidden. He got into communication with Colonel Baldwin, who promised to come from his rural retreat and reveal the place where the records had been concealed thirty-nine years before. Colonel Baldwin came to Jackson and found the documents among the archives of the local Masonic lodge, where they had been hidden when it was

[13] *Ibid*, p. 28.

known that Jackson would inevitably fall into the hands of the Federal army. Of the few men who had known the place of their concealment, only Colonel Baldwin was living.[14]

While the completion of the arranging and classification of the territorial and state archives required a period of twelve years, it is not to be imagined that the Provincial archives were left untouched during this period. They, in fact, were being collected during the same time and a final report upon them is found in the appendix to the Twelfth Annual Report of the Department of Archives and History. As has been stated, these records were not found among the papers preserved in the old Capitol. The first provincial records to be recovered were those of the Spanish regime, and the story of their recovery takes us back into the early history of the old "Natchez District."

The Natchez District is the mother of the state. True, the French made the first settlements on the Bay of Biloxi, but these settlements were never much more than trade stations, and when the Mississippi coast became a part of the British province of West Florida, the French settlements along the coast were all but abandoned.[15] The real settlement of Mississippi began with the movement of settlers from the older British colonies to the Mississippi River after 1770. Many of the first settlers were loyalists or tories, who came from the eastern colonies to avoid complications with those who wished to throw off the domination of England.[16]

When Spain took West Florida from the British in 1781, the village of Natchez became the seat of government for these settlements. During this period of Spanish occupation, which lasted until 1798, all records and papers were carefully kept. Such records as related to land titles, bills of sale, and law suits were left in Natchez after the district was formally transferred to the United States.

The territorial legislature in 1803 had these Spanish records collected, translated, indexed, and bound. For a century these old records consisting of fifty bound volumes remained in the office of the Chancery Clerk of Adams County. In 1904 Doctor Rowland secured permission to transfer them to the Department of Archives and History for purposes of historical investigation.[17]

[14] *First Annual Report, Department Archives and History,* pp. 63-66.
[15] Hamilton, *British West Florida,* Pub. Miss. Hist., Sec., VII, 399.
[16] Weathersby, *Educational Legislation in Mississippi,* p. 1.
[17] *Fourth Annual Report, Department Archives and History,* pp. 14-16.

For the rest of the primary sources of the provincial history of Mississippi the Director had to look to the archives of England, France, and Spain. In the Spring of 1906, Doctor Rowland was granted a leave of absence to visit these countries and make arrangements for securing accurate copies of such records preserved in these countries as related to the early history of Mississippi.

In the Public Record office of Great Britain he found a complete and well preserved collection of historical materials dealing with the British Province of West Florida. These papers were bound in substantial volumes and arranged chronologically. They included the original papers concerning the military occupation of the province, copies of letters, commissions, instructions, etc., for the settlement of the country and its development and regulation, original papers of the governors, minutes of the council and assembly of West Florida, and numerous other documents of historical value. Having arranged for the copying of these documents, Director Rowland went to France.

In France arrangements were made for transcribing all records in the archives of the Ministry of the Marine that dealt with the settlements and military exploits on the Mississippi coast and in the Natchez-Yazoo district. The attention of the Department was next turned to securing transcripts of Spanish documents deposited in the archives of the Indies at Seville, Spain.[18]

In due time all these transcripts were completed, arranged, and bound. The English transcripts are arranged in twenty-two volumes, the French transcripts in thirty-two volumes, and the Spanish transcripts in nine volumes.[19] In 1911 Doctor Rowland published a volume of Mississippi Provincial Archives, English Dominion, in which he included several volumes of documents containing the letters of Major Robert Farmer and Governor George Johnston.

The work of classification of the archives was no light task, and was completed only after many years of patient and painstaking work. In his twelfth annual report, dated November 1, 1926, Doctor Rowland was able to report the undertaking practically completed. In this report he apparently sighs with relief as he says:

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[18] *Eighth Annual Report, Department Archives and History,* p. 11.
[19] *Eleventh Annual Report, Department Archives and History,* pp. 45-49.

Now that most of our difficulties have been cleared away upon questions of the practical administration of the archives of the Department, I am free to confess that when I removed twenty tons of manuscripts from the old Capitol into the new, all of which was in a state of decay and confusion from barbaric treatment, my mind was full of doubts as to the feasibility of ever bringing order and system out of such confusion. It is hard to realize now the true condition of affairs; it was certainly not adequately described in my annual reports, as I find from a recent survey of them.[20]

Since writing his twelfth report the Director has classified and filed many other documents, including the records of the Supreme Court, and of the Superior Court of Chancery, correspondence of the state governors, and records of various departments. These files and cases have overflowed the rooms originally assigned to the Department, so that many of them are placed in the corridors.

As a final word on the extent of the Mississippi archives a quotation from Director Rowland is appropriate. He says:

It may be accurately reported that the state has a most valuable and interesting documentary record of its past. It is a matter of rejoicing that it has been saved from destruction. It is gratifying, too, to know that our archives have been organized and administered in such a way as to receive the commendation of historians and expert archivists. Present conditions have reached a stage when they can be preserved easily for the use of remotest posterity.[21]

In concluding this paper the writer would like to call attention to two facts concerning the Mississippi archives. The first is that all documents and records are concentrated in one department, whose particular function is to see that they are properly preserved. As soon as the records of any department of the state government cease to be of use to that department in its regular routine of business, they are passed to the Department of Archives and History, where they are bound or filed in such a way as to be safe and accessible.

The other fact of interest is that the records are so arranged, classified, and catalogued that they are readily accessible to any historical student. The history of the state naturally divides itself into three periods,—colonial, territorial, and state,—and the historical documents and records have been grouped under these

[20] *Twelfth Annual Report, Department Archives and History*, p. 25.
[21] *Twelfth Report*, p. 29.

three heads and arranged chronologically. For the state period the records of the departments and offices are arranged in a chronological series for each office of the state government. In this way the continuity of each office has been preserved and "the progressive steps of the state and its people along all lines of development may be investigated in a logical, systematic way."[22]

[22] *Eleventh Report*, p. 12.

THE SHERIFF IN COLONIAL NORTH CAROLINA

By Julian P. Boyd

Of the several factors at work in colonial North Carolina in the process of fermentation which was to prepare the public mind for revolution, one of the most important was the effect on the government of the colony brought on by continual antagonism between the ruling class on the one hand and the officials of the crown on the other. This antagonism lasted throughout the period of royal control, and found constant expression in the frequent conflicts between the legislature and the royal governors over such economic and political questions as land, fees, money, and courts.[1] One of the most dependable bulwarks on the side of the colonists in this struggle proved to be the county court of the justices of the peace, together with the small ring of officials attached to this court. For, as a general thing, the officials of the local governmental units belonged to the ruling class and exercised a controlling influence over the legislature. One of the most important of these local officials was the sheriff. The part he took in the political struggle going on in the colony was one of great importance. The influences which were at work through the sheriff, the politics of his office, his position in the colonial scheme of things, and his effect upon the royal government in North Carolina are some of the problems to be discussed in this paper.

There was probably no other officer in the colony, and certainly there was none under the jurisdiction of the county court, who exercised such plenary executive and administrative powers as the sheriff did. He was not only the executive officer of the county court, but, in theory at least, the representative of the crown in the county, just as the sheriff in England was. As a peace officer of the county, the full right of *posse comitatus* was vested in him.[2] He also had important fiscal powers, being the collector of taxes for the colony, the county, and the parish. He was master of elections for members of the legislature and the local vestries, and throughout the colonial period exercised a growing influence over

[1] Raper, C. L., *North Carolina: A Study in Royal Government*, Chapter IX, (New York, 1904).

[2] This was a very important power in the newly-settled colony on account of the danger of roits and slave insurrections. Obligation to service applied to all males above the age of fifteen and able to travel. *Cf.*, Potter's *Justice*, pp. 243-244.

elections and over the legislature. He acted in most counties as vendue master, and possessed important powers in that office. Such offices made the sheriffalty a position of commanding importance in the county, and caused it to be the prized bit of patronage at the disposal of the county court.

It is also equally true that there was no other officer who made efficient royal government impossible quite so much as the sheriff did. Generally speaking, he impeded all effort at a sound fiscal policy. He frequently misappropriated and embezzled great quantities of the public money. He was a controlling factor in the elections, and at times returned the person of his own choice rather than that of the electorate. His influence was felt in nearly every phase of colonial life: it was even claimed that he retarded missionary endeavor by his lax and dilatory methods of handling the duties of his office.[3]

The office of sheriff, however, was not a sinecure, even at best. Jails were very insecure in almost every county in the colony.[4] The criminals were hardened and desperate, and at times openly flouted the law. Even when captured and placed in jail, they could not be kept there: escapes and jail deliveries were common.[5] Riots and slave insurrections were frequently threatened.[6] And what probably disturbed the sheriff more than unsettled conditions of law and order was the opposition which he met with in the collection of taxes, and the consequent reduction of commissions.[7]

THE ESTABLISHMENT OF THE OFFICE OF SHERIFF

It was not until 1739 that the office of sheriff was created in the colony. Prior to that time, the duties which the sheriff exercised were vested in the provost marshal of the colony and his deputies, usually one in each county. The provost marshal of the colony

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[3] *Colonial Records,* VI. pp. 990-991. These records will be referred to hereafter thus: *C. R.,* VI, pp. 990-991.

[4] Craven County Court Minutes, June 17, 1729: June 21, 1743; December 12, 1747;New Hanover County Court Minutes, September, 1764; December, 1766. These records will be referred to hereafter thus: Craven C. C. M., June 17, 1729, *etc.*

[5] In 1764 the New Hanover court ordered "that the Sheriff immediately procure some person Gaoler to reside in the Gaolers house Built for that purpose in order to prevent escapes which of late have too often happened on that account." New Hanover C. C. M., September, 1764; C. C. M. *passim.*

[6] The power of the county was invoked for this purpose in New Hanover in 1767: "The Court being informed that upwards of twenty runaway slaves in body armed are now in this county, ordered that the sheriff do immediately raise the power of the county, not to be less than thirty men well armed to go in pursuit . . . . and be impowered to kill all such slaves as shall not surrender." New Hanover C. C. M., June, 1767. In 1753, President Rowan, writing to Captain Wilkins of *H. M. Sloop Scorpion,* gave the following as his reason, among others, why the sloop should not return to England: "The Negroes who have lately attempted an insurrection among us will have the less to discourage them to repeat their attempts." Rowan, Executive Papers, February 1, 1753.

[7] *C. R.,* IX, X, *passim.*

was appointed by the king, was paid out of the public funds, and collected certain fees fixed by the legislature for himself and his deputies.[8] The deputy marshals in the various counties were appointed by the provost marshal for the colony,[9] usually with a certain sum being stipulated in the commission which the deputy was required to pay the provost marshal annually for the office.[10] The deputy marshal was the executive officer of the court, and was obliged to execute all writs, warrants, executions, and orders of the court.

The important change in the office which took place in 1739 was not simply a change of name, but a change in the method of appointment. The old method whereby the office was farmed out through several steps, from governor to provost marshal to deputy marshal, and perhaps to several sub-deputy marshals, was abolished and the system was theoretically placed more under the control of the governor. The sheriff was nominally commissioned by the governor, but in actual practice the appointment was in the hands of the county court. Therein lay a very significant fact: the creation of the office of sheriff was evidence of the growing political power of the county court, and was the direct result of a popular demand for the establishment of the office.

The first notice of any agitation for the creation of the office of sheriff is found in a letter from Governor Johnston to the Board of Trade, in which he points out the impossibility of collecting the quit rents, if allowed to be paid in commodities, without establishing the office of sheriff. "There are," he wrote, "a thousand inconveniences in this wide extended country for want of sheriffs and the people are strangely bent on having them established by law."[11] The popular demand prevailed, and in 1739 the General Assembly passed an act entitled "An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the method of appointing them, and for limiting the time of their continuance in Office, and directing their Duty therein, and for Abolishing the Office of Provost Marshal of this Province."[12] The preamble of

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[8] Governor Burrington to Secretary Popple, November 11, 1735, *C. R.*, IV, p. 23.

[9] In cases of vacancy or non-attendance at court, the court itself usually assumed the power of appointing the deputy. Carteret C. C. M., June, 1736; Tyrrell C. C. M., June, 1735.

[10] *C. R.*, I, p. 583.

[11] *C. R.*, IV, p. 175, October 15, 1736. Doubtless another reason for the change in 1739 was that given to the governor and council by Provost Marshal Robert Route "that he could get no person of reputation to act under him, the profits being very small & being very desirous to resign what right he had in that county as Provost Marshal." *C. R.*, II, p. 616.

[12] *C. R.*, XXIII, p. 122-127.

the act showed it to be the result of a popular demand: "The Office of Provost Marshal hath been found to be very inconvenient in this extended Province, the Deputy Marshals not only neglecting, but frequently refusing, to do their duty . . . . which hath occasioned great Murmurs and Discontents among the Inhabitants of this Province."

The act gave the control of the appointment of sheriffs to the county courts by providing that in every precinct[13] in the colony the court should recommend three persons "as they shall think most fit and able" to the governor, who was empowered to select one of the nominees to be sheriff for the next two years. A limitation was placed upon this nominating power which gives evidence of the control exercised by members of the county courts over the legislature; namely, the justices of the peace could not nominate a person to act as sheriff who was not a duly qualified member of their court. The sheriff, however, was not permitted to act as a justice or sit in the quarter sessions during his term of office. The act further provided that the sheriff should give bond to the king in the sum of at least five hundred pounds sterling, and that if any person nominated to the office refused to accept the appointment, he should thereby forfeit eight pounds proclamation money. If the county court refused to nominate three persons for the office, the governor was empowered to nominate any other justice, or anyone whom he might then appoint a justice, to fill the vacancy. The governor also had power to appoint in case of vacancy by death. This act would have abolished the office of provost marshal before sheriffs could have been appointed by the county courts, and to obviate this difficulty the legislature passed an amending act two days later providing that the governor with the consent of the council might appoint sheriffs for every county in the colony for the two succeeding years.[14]

The first act, broadly defining the duties of the sheriff, provided that he should execute, by himself or through his deputy,[15] all writs and precepts directed to him by the county court. The sheriff or his deputy was required to be in constant attendance at the court where his jurisdiction lay, otherwise to suffer amercement at

[13] The name "precinct" was changed by this act to that of county.
[14] *C. R.*, XXIII, pp. 129-130.
[15] The act did not mention how deputies were to be appointed, but it was apparently understood that the sheriff had that right. Beaufort C. C. M., June 1757; C. C. M., *passim*.

the hands of the court. It was his duty to arrest any person for treason, felony, or any breach of the peace at any time, though he could not serve a writ on Sunday. The sheriffs of the various counties were obliged also to attend in turn the various meetings of the general court, according to rules established by that court, in order to serve writs and summon jurors to the court.

The act of 1739, providing for a specific term of years for the sheriff to hold office, was defective in that a sheriff would often go out of office before another could be appointed to succeed him. In order to remedy this an act was passed in 1745 which provided that the sheriffs should continue in office until their successors had been appointed and qualified.[16] The most important provision of this act, however, was that amending the provision of the act of 1739 which confined the nominations for sheriff to the justices of the court. After 1745 the justices were empowered to recommend for sheriff any freeholder, excepting the members of the legislature and the members of the governor's council. The reason for this change, the law stated, was the difficulty of finding men to execute the office, since the persons nominated frequently chose to pay their fines rather than act in the office. This provision, however, did not prevent the courts from continuing to nominate justices of the peace for the office just as had been done under the act of 1739.

The acts of 1739 and 1745 only defined the duties of the sheriff as an officer of the court and prescribed the method of his oppointment. There were many other acts passed subsequently which dealt with the office of sheriff directly or indirectly, and these had for the most part to do with his fiscal duties, such as collecting the taxes, settling with the treasurers and the county courts for the taxes collected, selling at public vendue the estates of deceased persons and property attached by him at the order of the court, attending to the prison and prisoners under his care, and other such duties. In addition to these powers conferred by statute, the sheriff enjoyed all other powers or duties conferred on him by the county court. He was sometimes ordered by the court to secure jailers, to repair the jail, the court house, or other public buildings, or to see that it was done, to let bids for the building of warehouses, ferries, jails, court houses, and other public buildings,—to do, in

[16] *C. R.*, XXIII, pp. 217-218.

short, on the order of the court all those things necessary for the judicial and administrative government of the county.[17]

THE APPOINTMENT OF THE SHERIFF

The importance of the sheriff in colonial government is nowhere shown so clearly as in the politics of appointment to the office. The governor nominally appointed the sheriff in the name of the king, but this control amounted to little in actual practice. The real appointive body was the county court.

The most striking indication of local control of the appointment to the office is shown in the fact that the justices of the court rarely nominated a person for sheriff who was not a justice of the peace. This practice, of course, was made mandatory by the law of 1739, but although that provision was repealed in 1745, the justices of the courts continued to nominate one another for the office down to the Revolution.[18]

Another interesting fact is that the justices apparently had few scruples about voting for themselves in the nominations. At the nomination for sheriff in Pasquotank County in January, 1742, there were three persons present at the court, and the nomination which was returned to the governor contained only the names of these three men.[19] There were numerous other instances of a like character.[20] Toward the close of the royal period, however, there

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[17] These duties were sometimes unique. The Bute County Court, for instance, ordered Jethro Sumner, who was later to become the hero of Eutaw Springs, to perform a sort of janitor's service. It was ordered "that Jethro Sumner, Sheriff, keep the Court House clean and in decent order to the satisfaction of the Court and take care of the Law Books, etc., and when performed at the years end to be paid forty shillings proc." Bute C. C. M., November, 1774.

[18] The following sheriffs of Tyrrell County, for instance, were justices of the peace prior to their appointment: Edmund Smithwick, 1756; John Hooker, 1757; Giles Long, 1758; John Hooker, 1760; John Hardison, 1761; Jeremiah Wynne, 1762; Edmundson Samuel Smithwick, 1763 and 1769; James Johnston, 1764; Joseph Spruill, 1770, 1771, 1772. Tyrrell C. C. M., 1756-1772. This condition seems to have been typical not only of Tyrrell, but of most of the other counties. In Beaufort County from 1756 to 1761 every nominee for the office of sheriff was a justice of the peace. Beaufort C. C. M., 1756-1761. The result in actual practice was the same as if the provision of the act of 1739 had not been repealed. In New Hanover County in 1764 "the Court proceeded to nominate or appoint three justices to be returned to his excellency for appointing one of them sheriff." In the voting there were no nominees who were not justices, five of them being nominated. New Hanover C. C. M., 1764.

[19] These three were: Col. Thomas Hunter, Chairman of the court, Capt. Charles Sawyer, and Capt. David George. Pasquotank C. C. M., January, 1742. Notice the titles. The justices were not only the judicial and executive officials of the county, but they controlled the militia to a large extent, probably on account of the influence and fees attached to militia offices. In 1754, James Connor, who was colonel of the Tyrrell regiment and who also held commissions as clerk of the court and clerk of the peace in several counties, advised President Rowan that the only change needed in the militia law was an increase in the fees allowed officers, and a decrease in the "extravagant" fees allowed soldiers of the rank. Rowan Excutive Papers, December 8, 1754.

[20] Hunter, Sawyer, and George were again returned in the same county in 1743. Pasquotank C. C. M., 1743. In March, 1761, John Hardison, Joseph Spruill, and Isaac Meeks were nominated by the Tyrrell court, there being only three justices present, two of whom were Hardison and Spruill. Tyrrell C. C. M., March, 1771. In 1763, in the same county four justices were present and three of those present were nominated. *Idem*, 1763. In Beaufort County, March, 1758, three justices were sitting and two of those present were nominated. Beaufort C. C. M., March, 1758.

seems to have grown up in the county courts a prejudice against this practice of self-nomination. In response to such a nomination for sheriff in Tyrrell County in 1764, the court at a subsequent meeting passed the following order: "The Court being of opinion that as the former recommendation of Sheriff being entered by order of three members only & as one of them was recommended & at the first of the court, we recommend the following persons, Vizt: Wm. Carkeet, James Johnston, and Major John Hardison."[21] This nomination prevailed, for James Johnston was made sheriff.[22]

At any rate, it is certain that toward the close of the royal period the nomination of sheriff was no longer left to a small group within the court, but almost the entire court engaged in the nomination. Ordinarily at the quarter sessions of most of the counties there were about three to six justices on the bench, and rarely over eight, even in the most populous counties in the eastern section. But when the nomination of a sheriff was before the court, practically all of the justices in commission in the county were present. A good example is found in the Bute County quarter sessions in May, 1772. On Tuesday, May 12, there were only four justices present, including two of the three men later to be nominated. On May 13, the day of the nomination, there were twenty justices present, including all three of the nominees. On May 14, the justices had all returned to their plantations, for there was barely a quorum, three justices, left to attend to the ordinary administrative and judicial business of the court.[23] In the same county in May, 1774, a similar situation occurred. At the opening of the court on the day of nomination, there were only three justices present. When the nominations were held, there were twenty-one justices present.[24] A similar case occurred in Orange County in May, 1764.[25]

With local politics thus entering into the nomination of the sheriff, the matter of appointment could hardly be said to have been under the direct control of any influence other than the county court. That nomination was considered as virtual election is shown not only by the above facts, but also by the fact that sometimes the courts returned only one nominee when the law required that

[21] Tyrrell C. C. M., March, 1764.
[22] *Idem*, June, 1764.
[23] Bute C. C. M., May 1772.
[24] *Idem*, May, 1774.
[25] Orange C. C. M., May, 1764.

three be returned.[26] This local control is still further shown in the practice of nominating three men according to law, two of whom the justices knew would not accept the office if offered them.[27] Then, too, there were personal and family politics working both upon the county court and the royal governors. An example of this is seen in the following letter from Robert Jones to Governor Dobbs: "I suppose you have not forgot the Sollicitation I formerly made in favor of my kinsman John Jones for the office of Sheriff of Northampton and Herewith you have a copy of the last Recommendations of persons fitly qualified to execute the said office in which you'll find him included. If you'll be so kind as to grant him a commission for that purpose, you'll do me an additional favor in sending it by the Bearer."[28] Sometimes, too, the members of the legislature added their influence to the matter of getting sheriffs elected, especially when, due to lack of courts or other reasons, the justices failed to nominate.[29]

The governor, however, did have a slight, though nominal control over the office. Every commission appointing a sheriff contained the specific phrase that such commission was issued during pleasure only, and could be revoked by the governor at any time.[30] There were also various amendments to the laws as to the manner of appointing which gave a modicum of power to the governor. These acts, however, gave the governor power over appointments only in exceptional cases. In no sense did they give him any effective control over the manner of appointment, or give him the power of determining the matter of personnel.[31]

The council, usually siding with the governor in upholding the prerogatives of the crown, was inclined to give him some power in the matter of appointing sheriffs. In 1774 it expressed the unani-

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[26] Pasquotank C. C. M., March, 1772; C. C. M., *passim*.

[27] Governor Martin to the Earl of Hillsborough, *C. R.*, IX, pp. 314-315.

[28] Dobbs, Executive Papers, June 6, 1756.

[29] The representatives from Beaufort petitioned Governor Dobbs in 1760 saying that "there wants a Sheref for the said county their being no corte letely held there to represent three persons . . . . We humbly recommend . . . . John Alderson." Dobbs, Executive Papers, 1760.

[30] *C. R.*, VII, p. 91.

[31] An act passed in 1755 gave the governor power to appoint any freeholder in case the person recommended to him by the justices refused to serve. *C. R.*, XXIII, pp. 424-432. An act passed in 1759 provided that no county court should recommend to the governor any person who had served two years successively unless he could produce a certificate from the treasurer of his district saying that he had fully accounted for and delivered all public taxes he had received as sheriff. If the county court did nominate such a person, the governor was empowered to appoint someone else to the office. *C. R.*, XXIII, p. 505. These acts were amended in 1766 to the extent that if the person holding the nomination of the county court did not apply to the governor for a commission before the next succeeding court, the governor might appoint some other person of "sufficient circumstances and ability." *C. R.*, XXIII, p. 767. In the same year another act was passed giving the governor power to appoint as sheriff any freeholder in counties where there were no sheriffs, since in some counties, for lack of sheriffs, the taxes had not been collected. *C. R.*, XXIII, pp. 767-768.

mous opinion that the governor had power to appoint sheriffs in case the law providing for their appointment had expired before the county courts could comply with such law.[32] In 1749 the council made the unique order that "no future person keeping ordinary be recommended to the governor to be appointed Sheriff for any county within this Province."[33] This order was sent to the various courts, but it is not at all certain that it was enforced. For even after a person was appointed sheriff by the governor, there was nothing to prevent the county court from granting him a license to keep an ordinary. This was frequently done.

As a matter of fact, the royal governors were not extremely anxious to assert their authority over the county courts or their officers too strongly, for by doing so, they would have aroused the hostility of the legislature, which was to a large extent made up of justices of the peace, sheriffs, clerks of court, and other members of the court ring. Hence, rather than exercise the power of removal vested in them, the royal governors from time to time suggested that they should be given the right of appointment. The Board of Trade agreed with the governors in this, but nothing was done about it. The office was unequivocally in the hands of the local court party.

In general, the results of local control of the office of the sheriff, from the standpoint of the crown, tended toward a decentralized and weakened colonial government. These results might be briefly classified as follows: (1) a cumbersome, awkward, decentralized government resulting from an impairment of the governor's appointive power; (2) embezzlement and wastage of public funds by sheriffs; (3) lax and dilatory methods of administration of public, county, and parish taxes; (4) control of elections and influence over politics by the sheriffs; (5) the greater solidification of the county court ring; (6) various abuses in the administration of the office of sheriff, such as abuses of the fee system, the method of serving attachments, the jury system, and so on.

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[32] *C. R.*, IX, p. 983.

[33] *C. R.*, IV, p. 950. How effective this order was is shown by the fact that on June 1, 1758, the Beaufort court accepted the commission appointing Thomas Bonner sheriff and at the same time granted him a license to keep an ordinary. Beaufort C. C. M., June, 1758. Joseph Spruill, Edmund Smithwick, John Hooker, sheriffs of Tyrrell, were also keepers of ordinaries. Tyrrell C. C. M., 1751-1757. James Bonner, Thomas Bonner, and John Hardy, sheriffs of Beaufort, were keepers of ordinaries. Beaufort C. C. M., 1756-1758. Samuel Heighe of Pasquotank; Jethro Sumner of Bute; Alex Mebane of Orange; James McIlwaine of Craven; Osborne Jeffries of Bute; Caleb Grainger of New Hanover; Isaac Gregory of Pasquotank were some of the other sheriffs who were keepers of ordinaries. Craven C. C. M., 1744; Pasquotank C. C. M., 1746; Bute C. C. M., 1768; Orange C. C. M., 1755; New Hanover C. C. M., 1749.

IMPAIRMENT OF THE APPOINTIVE POWER

The position of the Board of Trade in regard to the impairment of the appointive power of the governor is illustrated by a letter to Governor Tryon in 1770: "In regard to the Act for appointment of sheriffs,[34] which we consider as part of the general system for the more effectual administration of Justice, as it does not leave a discretionary Power in the King's Governor of nominating a Sheriff in case he should think fit to reject those recommended by the Judges, it does improperly and as we conceive unnecessarily deviate from the rule & usage in the kingdom."[35] The Board of Trade went on to threaten, after stating the obvious proposition that the chief representative of the crown in the county ought to be under the control of the crown, that unless the legislature remedied the objection, it would recommend the repeal of the act, "for no consideration of general Utility and convenience can justify an Acquiescence in a regulation that does not correspond with the Constitution of this Kingdom."

Replying to this letter, Governor Martin wrote:

. . . . The Sheriff's Office . . . . is held entirely by favour of the Magistrates as Members of the County Courts, they being impowered by a law passed in the year 1768 to nominate three persons, of whom the Governor is obliged to appoint one, under which regulation by their juggles and corruption the Governor is compelled to appoint the candidate they favour so that in fact the absolute nomination of the Sheriffs is in those little prostitute judicatures and the power of the King's Governor in the case is perfectly nugatory to remedy this defection in policy. The Lords of Trade by their letter to Governor Tryon of the 12th of December 1770 direct that it be recommended to the Assembly to amend that law by a provision vesting the appointment of the Sheriff in the Governor, and declaring that they should otherwise think it necessary to recommend it to His Majesty for his Royal disallowance. This Act, my lord, is so great a favorite with the Assembly, which is composed of justices of the peace, that there is no hope of its ever consenting to the proposed alteration, and embarrassed as the deliberations of that body have even been by faction since I came to this Country, I have had no opportunity to propose it.[36]

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[34] *C. R.*, XXIII, pp. 789-790.
[35] *C. R.*, VIII, p. 266.
[36] *C. R.*, IX, pp. 1158-1159.

On two other occasions Martin admitted the danger of this local control and his inability to cope with it in the legislature.[37]

These letters of Martin show that the royal governors and the Board of Trade began to realize too late that a mistake had been made in 1739 when, in order to satisfy the demands of the court party, the office was placed under local control and kept there by subsequent acts. The price paid for this concession to popular demand in 1739 was a tendency toward decentralization of the administration from the standpoint of the crown and toward greater unity and greater solidification from the standpoint of the court party. The importance of the power controlling the appointment to this office, then, can hardly be overestimated. For, since the sheriff was the most important figure in the elections, the group controlling his office could obviously exert some influence over the legislature. This was exactly what happened, and throughout the royal period the justices of the peace held a place of dominance in the General Assembly.[38] And, as Martin clearly saw, they were determined to submit to no law taking from them the power to appoint an officer who could maintain them in such an advantageous position.

THE SHERIFF AND THE FISCAL ADMINISTRATION

The sheriff was given authority to collect the parish, county, and colony taxes. Due to the decentralization of the fiscal administration and the local control of the office of sheriff, there was not even an efficient and systematic tax system for the colony, to say

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[37] On board the *Cruizer* in the Cape Fear in September, 1775, Martin wrote to the Earl of Dartmouth: "The appointment of Sheriffs . . . . ought to be in the same [the governor's] hands . . . . These officers are generally, if not universally, the leaders in the present sedition." *C. R.*, X, pp. 244-246. Martin wrote the Board of Trade from Long Island in 1777 as follows: "It has been thought advisable . . . . that the power of appointing sheriffs be vested in the Governor in North Carolina, as it is in this province, but it will be necessary that the law of 1768 . . . . be disallowed . . . . as in effect it gives the power of appointing sheriffs entirely into the hands of the justices of the peace, who have most shamefully prostituted those important offices." *C. R.*, X, p. 404.

[38] The assembly of 1735, for instance, at which there were forty-seven members present, contained no less than thirty-three justices of the peace, and at least six of the members were appointed justices soon after. *C. R.*, II, pp. 526, 638, 676; III, pp. 223,234,252; IV, pp. 46, 48, 115, 218, 313, 346, 713, 800. The committee on propositions and grievances of this legislature was made up of ten members, and seven were justices. *C. R.*, IV, 817,823,825. Other and more important committees no doubt had similar proportions.

The assembly of 1755 contained fifty-seven members present, and in that body there were thirty-eight justices, or exactly two-thirds of the entire number present. *C. R.*, II, 522,526; III, pp. 223, 234, 244, 425; IV, pp. 243, 330, 345, 346, 562, 683, 693, 713, 813, 966, 1046, 1254; V, pp. 403, 655, 691, 813, 824, 993; VI, pp. 80, 762, 1070.

The majority of the total number of representatives from individual counties throughout the colonial period were also justices of the peace. Bute County, where the court party was very firmly entrenched had seven members from the time of its establishment in 1764 to 1775, and all were justices. *North Carolina Manual*, 1913, p. 350; Bute C. C. M., 1764-1775. Carteret County from 1725 to 1775 had eighteen members, including William Borden, a Quaker who never took his seat, and all but one of the others were justices. *Idem*, p. 350; Carteret C. C. M., 1725-1775. Granville County had nine members from 1746 to 1775, and all were justices. *Idem*, p. 350; Granville C. C. M., 1746-1775. The examples might be multiplied; they were typical rather than exceptional.

nothing of the individual counties, where local prejudices and politics ran riot. Toward the latter part of the royal period not only the governors, but even the legislature made attempts to remedy the evils in the system.

Most of the acts relating to the fiscal powers of the sheriff had to do specifically with the methods of accounting for the taxes collected. The first of these laws was passed in 1755. "There is at present," the preamble of the act stated, "no law whereby those who have been invested with the power of applying the Public Money, or the collectors of the same, can be compelled to a speedy execution of the said trusts, by Occasion whereof, the Public hath been greatly defrauded, & the faith thereof much depreciated."[39] This act provided that in case the sheriff neglected or refused to account for taxes according to the various acts levying them, the superior court of the district might give judgment against the sheriff, on motion of the public treasurer of the district. The act also sought to correct certain abuses in the collection and accounting of the public taxes by the sheriffs. It was provided that since sheriffs had theretofore discovered taxables not in the lists given them by the county court clerks, and had kept such taxes for their own use, sheriffs so doing should account for the same on oath to the respective treasurers, county courts, and vestries. The act also gave the sheriffs full power in the collection of taxes. In cases where taxes were not paid when due according to law, the sheriff was permitted to distrain slaves, goods, and chattels. If the taxes were not paid within five days after such distress, the sheriff was empowered to sell the property after first giving notice of at least three days on the church door immediately after divine service. No "unreasonable distress," however, was to be made. No attachment of slaves was to issue unless there could not be found sufficient other property to settle the taxes due. To protect further the public money against improper uses the law raised the bond required of the sheriff from the one bond of £500 required by the law of 1739 to two bonds of £1000 each.

In 1759 another act was passed to correct the same evils. This act stated that "the continuing of sheriffs long in office, who do not regularly account for the Public Taxes they collect, is of great

[39] *C. R.*, XXIII, pp. 424-432.

detriment to the Province."[40] To remedy this evil it was provided that no county court should recommend to the governor any person who had served two years successively, unless he could produce a certificate from the treasurer of his district saying that he had fully accounted for and delivered all public taxes he had received as sheriff.

An act passed in 1760 sought to make more explicit the duty of sheriffs in settling their accounts.[41] It provided that the sheriff in settling his accounts with the treasurer should deliver his account, signed and proved, of all the money he had received payable to the treasurer. This account the treasurer was required to produce in his settlement with the general assembly as a voucher for the money received by him. It was further provided that when the county court made allowance to the sheriff for such persons as had no visible estate, five justices of the peace should be present when the certificate of allowance was made.

In 1768 another effort was made to improve the cumbersome system. "Many of the Sheriffs of the Province," the act stated, "have heretofore applied to their own private uses, or otherwise embezzled, considerable sums of the Public Money, in the hopes of replacing the same when called for."[42] To remedy this, it was provided that the sheriffs should deliver to the county court a regular account, signed by the treasurer of the district, ascertaining the amount of the public money received for the year preceding, together with an account of all disbursements, and that this account should be entered on the court minutes by the clerk. It was further provided that if the sheriff were removed from office for any reason excepting death, he should make an accounting with the treasurer immediately, otherwise he was to lose all commissions from the time of his last settlement. Another important provision of this act was that no person chosen as representative of his town or county should be recommended during his term of office for the office of sheriff by the county court. This provision obviously was

[40] *C. R.*, XXIII, p. 505.
[41] *C. R.*, XXIII, pp. 526-531.
[42] *C. R.*, XXIII, pp. 713-723.

aimed at the problem of reducing the growing influence of the sheriffs over the legislature.[43]

In 1770 another act relating to the fiscal duties of the sheriffs was passed.[44] The principal object of this act was to correct "the many hardships and inconveniences [which have] arisen from Sheriffs leaving the Province before they had accounted for Public, County, and Parish duties, whereby their securities have become lieable for same." The act simply provided that the persons who had signed the bonds of the absconding sheriff might collect all arrearages of taxes with practically the same powers of collection that the sheriff had. This act, of course, did not remedy the evil, but only provided for the relief of the persons signing the bonds of the sheriff.

In 1773 an act was passed for a still more rigid accounting for taxes collected by the sheriffs. This act provided that, when a sheriff failed to make payment of public monies due from him, the treasurer of the district might then cause a writ of *scire facias* to issue against him, or, if he were deceased, against his executors or administrators. The act of 1755 had contained this same provision, but this act went further and required that in case the treasurer failed or neglected to bring suit against the sheriff for negligence in accounting, the treasurer himself was to stand liable for the arrearages of the sheriff.[45] This last provision throws a flood of light on the political power of the sheriffs. For the treasurers depended largely for their re-election upon the sheriffs, and were therefore inclined to be rather lenient with them in accounting for the public taxes. Hence the only way to bring the treasurers to task was to hold them responsible for the overdue taxes if they permitted such to accrue.

In 1774 another act was passed to correct further abuses of the fiscal powers of the sheriffs. The practice of the county courts in

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[43] Governor Tryon, writing to the Earl of Shelbourne about this act, on March 7, 1768, said: "This Act will be . . . . productive of great benefit by stopping up the avenues that led many former sheriffs to fraud and embezzlement of the public money, as the excluding the members of the assembly being returned . . . . to the governor for his choice . . . . will have a salutary effect, for while those sheriffs who were representatives were attending to the public service in the . . . . Assembly, their duties in their counties were too frequently neglected or abused by their deputies." *C. R.*, VII, p. 694.

[44] *C. R.*, XXIII, p. 789.

[45] *C. R.*, XXIII, p. 905. Governor Martin had addressed the assembly of 1773 concerning this bill as follows: "The Law for the appointment of Sheriffs will also deserve your maturest consideration, the manifold and important duties of these officers . . . . involve almost every relation to the honor and happiness of the community." He further expressed the desire that, "as the deficiency of funds of this County as well as the disorders that lately prevailed . . . . are due to their [the sheriffs'] malversation," the assembly would take effectual steps to suppress these bad results. *C. R.*, IX, p. 379, 455.

allowing to the sheriffs a number of insolvents in the collection of their taxes led to the abuse of these taxes being collected and not reported. To correct this, the act provided that the sheriff should not be allowed more insolvents than were expressly sworn to in the list deposited with the clerk of court and kept for public inspection. If the sheriff returned any person as insolvent, and later proceeded to collect from such person any taxes for the year in which he was declared insolvent, he was to forfeit twenty pounds for every act of this kind.[46]

All of these acts relating to the fiscal powers of the sheriff were passed as a result of the lack of an effective central control over the funds handled by the sheriff. The sheriffs' accounts were audited in a rather haphazard manner by neighbors and fellow justices of the peace and by treasurers dependent upon the sheriffs for re-election. In fact, so imperfect in operation was the system of supervision exercised over the sheriff in his fiscal capacity that it is a misnomer to speak of an auditing system, for no efficient or systematic method of checking up on the funds of the colony existed.

The whole process of assessing, or list-taking, collecting, and auditing the tax funds was in the hands of local officials. The county was divided into districts by the county court, and one justice, usually with one constable, was assigned to each district. The justice took a list of all the taxables in his district, or saw that the constable did it, and returned it to the county court. The court then took all the tax lists and turned them over to the sheriff, who was required to collect whatever taxes were levied by the colony, county, or parish.[47] Frequently there were large numbers unlisted, due to increasing population and other causes. Unscrupulous sheriffs, no doubt, collected from such taxables at times and used the money for private purposes.[48]

There were various methods whereby the courts settled for the taxes collected by the sheriffs. Sometimes the court itself received the account and passed upon it, often when there was hardly a quorum present, and at times when a former sheriff, sitting on the

[46] *C. R.*, XXIII, p. 970.

[47] The power of collecting taxes was in some counties vested in the constable prior to the establishment of the office of sheriff. Tyrrell C. C. M., 1735.

[48] The law of 1755 sought to correct this. *Supra*, note 39. The Tyrrell court in September, 1756, commanded John Hardison, sheriff, to return a list of "such persons as have paid their taxes and are not upon the list of taxables to the next court." Tyrrell C. C. M., 1756.

bench as a justice of the peace, would exhibit the account for taxes collected during his sheriffalty.[49] Sometimes the court permitted the chairman of the court to settle with the sheriff.[50] In some counties the clerk of court was given this authority.[51] But the usual practice was for the court to appoint a committee of two, three, or four members to settle with the sheriff.[52]

Examining the county court records, we find it a widespread condition that the sheriffs were delinquent in making their settlements, and at times were several years in arrears. A striking example of this is found in Carteret in 1747. At the July session of the court, the following entry was made in the court minutes: "At the request of Chas. Cogdell, Esq., Late Sheriff Desiring time to make up & pay to this Court the levys which he hath received, This Court hath ordered that the said Cogdell settle with Col Thos. Lovick and pay the sd Lovick such moneys due and that the sd Lovick pay the same unto such persons who hath a lawful claim.[53] At the September term of court, Cogdell had not yet complied with this order of the court, and he was consequently ordered to appear before the next court.[54] This order also was apparently disobeyed, for the December records show nothing of his appearance, and no further orders were issued.[55] In the minutes for the March session, 1748, Cogdell was ordered to pay his arrearages within one month, or the clerk was authorized to issue process against him or his security.[56] Apparently the delinquent Cogdell then settled his accounts after almost a year's active insistence on the part of the court that he make up the levies he had collected, for there are no further evidences in the records of his continued disobedience of the order.[57] The Tyrrell court made a weak and ineffectual effort to call the sheriffs to account in December, 1766, by passing an order compelling the clerk of court to "prosecute the several sheriffs for the county tax who may be in arrear."[58] There is nothing in the subsequent records to indicate that such prosecutions were

[49] Bute C. C. M., September, 1759.
[50] Col. Thos. Lovick, chairman of the Carteret court, member of the assembly from 1734 to 1760, and colonel of militia, usually settled in this manner. Carteret C. C. M., *passim*.
[51] Carteret C. C. M., 1757.
[52] C. C. M., *passim*.
[53] Carteret C. C. M., July, 1747.
[54] *Idem*, September, 1747.
[55] *Idem*, December, 1747
[56] *Idem*, March, 1748.
[57] *Idem*, *passim*.
[58] Tyrrell, C. C. M., December, 1766.

made, or that settlements were made more punctually.[59] An unusual admission of delinquency is found in the petition of Joseph Williams, sheriff of Duplin County for several years. In his petition to the legislature in 1761, he claimed that, as a result of his office, he "became debtor to the public in a large sum of money for the public taxes, but meeting with misfortunes," he was rendered unable to discharge the balance, which was about £230, without great detriment to himself and family. He claimed that he had already been obliged to dispose of several valuable slaves to reduce his indebtedness to the public, and since there was an execution in the hands of the sheriff against him, he prayed the assembly twelve months to pay the balance.[60] Similar examples of delinquency were rather numerous.[61]

The public, or colony, taxes were audited hardly more systematically than the county taxes. In general, the sheriffs settled with the public treasurers, and the treasurers in turn settled with the legislature. This led to several confusing practices, the chief of which was embezzlement. In a letter to the Earl of Shelbourne, Governor Tryon pointed out clearly the effect of the sheriffs on the fiscal system of the colony:

> The sheriffs have embezzled more than one-half of the public money ordered to be raised and collected by them (about £40,000) . . . . not £5,000 of which will possibly ever come into the Treasury, as in many instances the Sheriffs are either insolvent or retreated out of the Province. The Treasurer's lenity or rather remissness in the material part of their duty I construe to be founded on a principal of caution, for by not suing the sheriffs in arrears they obtain a considerable weight of interest among the connections of these delinquent sheriffs & which generally secures them a re-election in their office when expired.[62]

Governor Tryon saw the weakness of the system of collecting the public taxes and the abuses to which it was liable. Conse-

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[59] *Idem, passim.*

[60] Legislative Papers, MSS., April 4, 1761. This petition was rejected by the Legislature. *C. R.*, VI, p. 671.

[61] For example, in May, 1776, Joseph Spruill, who was sheriff of Tyrrell County from 1770 to 1772, made a settlement for his taxes in 1772. Tyrrell C. C. M., May, 1776. In Carteret County in 1757 a committee of three justices was appointed to examine the accounts of the sheriffs for the years 1755 and 1756. Carteret C. C. M., 1757. In the same county in 1747 the sheriff settled his account with Col. Thomas Lovick in June, with a balance due the county of £21 4s. 6d., and this amount remained in the sheriff's hands until December, 1748. Carteret C. C. M., June, 1747; *idem*, December, 1748. In September, 1760, the sheriff of Beaufort County for 1757 and 1758, exhibited his account to the court for those two years. Beaufort C. C. M., September, 1760. In Tyrrell in November, 1769, the sheriff settled his account for the year 1767. Tyrrell C. C. M., November, 1769. In the same county in May, 1771, Edward Smithwick, who was sheriff in 1769, appeared before the court "ready to settle his account," but refused to do so because five justices were not present. *Idem*, May 1771. At this next quarter session, Samuel Smithwick, who was sheriff in 1768, made his settlement in favor of the county to the extent of £24 14s. 4d. Edward Smithwick settled at the same court. *Idem*, August, 1771.

[62] *C. R.*, VII, p. 497.

quently, he drew up a careful and systematic scheme for auditing the accounts of sheriffs and treasurers, modelled on the Virginia system. In presenting this plan to the Assembly in 1769, he said:

> The fact is too well-known to admit of denial considerable sums have been lost by negligence or insolvency of the sheriffs and other collectors with their sureties.[63]

The plan was rejected by the Assembly.[64] The cause was obvious to Tryon, and he courageously stated it in his final message to the assembly just before its adjournment:

> If ever carried, in any future session, into an Act of the legislature, it will be acknowledged the most beneficial session this Colony ever experienced, though it should be the only Act passed in that session. But this blessing is not to be obtained for the country while the Treasurers, late Sheriffs, and their sureties, can command a majority in the lower house.[65]

Tryon used strong language before the assembly, but he did not overstate the facts. And there was one good result of his emphatic stand in 1769: the first complete and thorough-going investigation of the finances which the colony undertook. The assembly authorized John Burgwyn, clerk of the court of chancery and secretary to the council, to investigate the status of the fiscal system.[66] The result was four reports.[67] These reports revealed a startling condition of the finances of the colony, for most of which the sheriffs were directly responsible. The first report showing the delinquency of sheriffs indicated an outstanding indebtedness to the public on the part of these officials of £64,013 13s. 3d.[68] This amount exceeded by over three thousand pounds the total amount of taxes collected in the colony from 1748 to 1770.[69] The second report showing the amounts due from sheriffs was slightly improved, indicating a total arrearage for the colony of £52,455 1s. 7d.[70] This widespread public defalcation was by no means confined to local officials in the counties in which the Regu-

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[63] *C. R.*, VIII, pp. 93-94.
[64] *C. R.*, VIII, pp. 93-99.
[65] *C. R.*, VIII, p. 105.
[66] *C. R.*, VII, p. 984; VIII, p. 139.
[67] It is generally considered that there were only three reports. *North Carolina Historical Review*, Vol. III, p. 475. The fourth, if not prepared by Burgwyn, was certainly based upon the other reports. Three of these reports, showing the state of the taxes levied to retire the currency and the delinquency of tax collecting officials, are in the *Colonial Records*. *C. R.*, VIII, pp. 278-281; IX, pp. 166, 572-575. The other, showing the taxes collected from 1748-1770, is reproduced in the *North Carolina Historical Review*, Vol. III, p. 475.
[68] *C. R.*, VIII, pp. 278-281. This report was filed in December, 1770.
[69] *North Carolina Historical Review*, Vol. III, p. 476.
[70] *C. R.*, IX, pp. 572-575. This report was filed March 5, 1773, and if not compiled by Burgwyn was based on his earlier reports.

lators were active. In Currituck, for instance, an account had been standing since 1759 for £797 18s. 0d., against which judgment had issued, but Burgwyn reported the sheriff and his securities either dead or insolvent. Such notations occurred with deplorable frequency in Burgwyn's first report: "New Hanover, William Walker, Sheriff, 1759, £986 16s. 0d., Judgment, but no securities taken and nothing to be got . . . . Rowan, David Jones, Sheriff, 1757, £1205 8s. 0d., Judgment, both principal & securities bad . . . . Anson, Anthony Hutchins, Sheriff, 1763-1764, £472 4s. 8d., Neither principal nor securities worth a groat . . . . Cumberland, Isaiah Parvisol, Sheriff, 1763-1764, £652 12s. 1d., Principal died insolvent and securities not worth a groat."[71] The majority of the old accounts shown in the first report had not been collected by the time of the second report, and in many instances had been increased.

These reports reveal the manner in which some of the officials whom the Regulators complained about protected each other. In 1759, Stephen Cade was sheriff of Dobbs County and incurred a debt due the public of £536 19s. 0d. A judgment was secured against this sum, but Burgwyn found that four of the sheriffs of Dobbs played into each others hands, and that in levying the execution they always returned that there was nothing to be found. One of the securities of Cade assured Burgwyn that he had paid over two hundred and fifty pounds to one of these sheriffs, and that this amount had not been credited to the account. Cade was also sheriff of Johnston County in 1758, and left an arrearage of £970 6s. 1d., against which judgment had been secured with the same result as in Dobbs County.[72] Neither of these accounts had been collected by the time of the second report.[73]

This chaotic financial condition was not due in any sense to the fact that the sheriffs were "insolvent royal officials over whose appointment and in the approval of whose sureties the province had no voice whatever."[74] It was precisely because of local control of the sheriff that such a state of affairs came about. For it was this local control and local politics that made impossible any systematic auditing of the sheriff's accounts, such as that which Tryon attempted to secure.

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[71] *C. R.*, VIII, pp. 278-281.
[72] *C. R.*, VIII, pp. 278-281.
[73] *C. R.*, IX, p. 574.
[74] *C. R.*, IX, p. xvii.

Aside from the effect of the fiscal and governmental system, this haphazard method of handling the funds had other results. In 1751, the treasurer of the northern district reported that work on the public buildings in New Bern had been suspended because the sheriffs had not paid in the money that they had collected.[75] In 1763, James Reed, the Anglican minister, complained about not having had a stipend for nearly fourteen months, and said that:

> tho the sheriffs now have a whole years collection in their hands yet as there is no vestry to call them to account, they do not choose to part with the money on any terms or security whatsoever, the misfortune is they too often stand in need of it themselves. For the generality of the Sheriffs are very extravagant, to say no more, & very frequently spend the Public money not one in ten, I believe I might say in twenty, can ever make up their accounts, by which means the Clergy are frequently kept a long time out of their stipends.[76]

Another North Carolinian wrote a friend in Pennsylvania in May, 1771, that:

> there never was a people abused by authority more than this country has been . . . . the main substance . . . . was in the Sheriffs in most of the counties not having settled their accounts for eight or ten months past; so that by computation they were on the whole 80 or 100,000 pounds behind! The honest party in the administration appeared to the country too weak to bring these overgrown members to an account; therefore to strengthen their hands a great part of the country stopped payment of any taxes, but what were agreeable to law.[77]

It is worth while to note that Tryon was liberal-minded enough to suggest that the pay of the sheriffs should be doubled in order to prevent embezzlement. In addressing the legislature in November, 1766, Tryon suggested that the emoluments of the public officers were too small and advocated that the commissions of the sheriffs especially be increased. "A Sheriff," he said, "as an Officer of the Revenue, and Being vested with many executive powers, holds an employment of great trust and importance; how far this trust has been executed with fidelity and punctuality in many counties, the Treasurers accounts will certify." He then recommended that the commissions be doubled on the collection of taxes "to prevent future neglect or embezzling," a fact which would be an inducement to "men of probity and responsibility to offer them-

[75] *C. R.*, IV, p. 1292.
[76] *C. R.*, VI, pp. 990-991.
[77] *C. R.*, VIII, pp. 637-638.

selves as candidates for that active and important office."[78] This was advice to which the ex-sheriffs and justices in the assembly could give ready attention. An act increasing the sheriffs' commissions was passed almost immediately.[79]

As a matter of fact, the sheriff was one of the best paid officials in the colony, even when his office was conducted with strict honesty. His revenues came from several sources: (1) fees for the performance of orders of the court, such as making arrests, serving processes, executing attachments, and so on; (2) commissions for collecting the taxes; (3) a salary paid by the colony; (4) a salary paid by the county court for "extraordinary" services performed by the sheriff for which there were no fees allowed by act of the legislature; (5) commissions on the sales of estates for which he acted as vendue master; and (6) various other fees and commissions due to the linking up of the office with the county court ring, whereby the sheriff was given opportunity to administer estates of orphans, act as inspector for the county, hold militia offices, and so on.

By an act of 1740 the commissions of the sheriffs for taxes were placed at three per cent.[80] Three years later this commission was raised to six per cent.[81] It apparently remained at that rate until the increase made in 1766 to eight per cent.[82] The salaries which the sheriffs received from the colony amounted to a stipend of from eight to ten pounds. The salary at first was eight pounds proclamation money but was later increased to ten pounds.[83] The commissions allowed the sheriff as vendue master, according to Tryon, were not over "two per cent or 6d. in the pound."[84] The courts, however, used a discretionary power in fixing the commissions of the sheriffs in this particular.[85] Not the least of the sheriff's profits in office, however, came from his connections with the powerful court ring, for the sheriff frequently held several important positions. James Ellison, Sheriff of Beaufort, was also deputy surveyor for Granville, a justice of the peace, and inspector for the port of

[78] *C. R.*, VII, p. 294.
[79] *C. R.*, XXIII, p. 674. Only the caption of the law is published, but apparently the commission was only raised from six per cent to eight per cent. Tryon, "View of the Polity of North Carolina," *C. R.*, VII, pp. 472-491. Letter Book, p. 142; *C. R.*, VIII, p. 256.
[80] *C. R.*, XXIII, p. 154.
[81] *C. R.*, XXIII, p. 212.
[82] *C. R.*, XXIII, p. 627; VII, p. 472; VIII, p. 256.
[83] Legislative Papers, March 15, 1742; *passim; C. R.*, VI, p. 743.
[84] Tryon, Letter Book, p. 142; *C. R.*, VII, p. 472.
[85] Tyrrell, C. C. M., September, 1739; *passim.*

Bath.[86] The sheriff was practically always a colonel in the militia. The sheriffs in the Granville district were for the most part not only deputy surveyors but also quit-rent collectors, for which office they received five per cent of all collections.[87]

It is apparent, then, that the office of sheriff was very lucrative, due to the many fees, commissions, and other emoluments attached to it. What any one sheriff received in a year cannot, of course, be determined. But the liberality of the commissions and fees, to say nothing of the fraudulent abuses of these incomes, leads us to the conclusion that the office was very attractive financially.

THE SHERIFF'S CONTROL OF ELECTIONS

One of the most important aspects of the sheriff's office was its influence over the politics of the colony. To understand this adequately it is necessary to inquire briefly into the suffrage laws of the colony.

By an act passed in 1715 the suffrage was made much more liberal than under later acts passed in the royal period.[88] Persons twenty-one years of age, having resided in the precinct one year, and having paid the levies for the year preceding the election, could vote for burgesses.[89] The voting was done by a method which lent itself admirably to political exploitation. The voter was given five votes; he wrote his choice of five names on a scroll of paper, or had it written for him, signed his name to the paper, and handed it to the deputy marshal taking the poll. In 1743, the manner of voting was somewhat altered. The use of a scroll was still retained, but the voter did not sign his name to it, although he did enroll his name in a book kept open by the sheriff at the same time that he voted.[90] By this act, also, only freeholders were permitted to vote; the freehold necessary was fifty acres.

In 1760, the system was made even more advantageous for political influence by the sheriffs, for in that year the legislature passed an act requiring voting by the *viva voce* method. The candidates might, at any time after the election, look at the poll, and might require the sheriff to give them a copy of it.[91] At about this time,

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[86] Beaufort C. C. M., September, 1760; *passim.*
[87] Tyrrell C. C. M., 1761-1762; *passim.*
[88] McKinley, A. E., *The Suffrage Franchise in the Thirteen English Colonies in America*, pp. 80; 81-121.
[89] *C. R.*, XXIII, p. 12.
[90] *C. R.*, XXIII, pp. 207-210.
[91] *C. R.*, XXIII, pp. 523-526.

the elections began to be held at the court house in each county; that is, directly under the eyes of the influential local court. Each writ of election issued to the sheriff contained directions that the election be held there.[92]

It is natural to suppose that abuses would occur under such a system as this. The act of 1715 even anticipated this, and required that the marshals should attend the first three days of the legislature in order to explain disputed elections.[93] It is significant to note, however, that there were less complaints of disputed elections during the proprietary period than during the royal period.[94] Immediately after the establishment of the office of sheriff, the number of complaints of wrongly conducted elections increased so much that the legislature abandoned its original policy of hearing the petitions itself, and appointed a committee of privileges and elections, to which it referred all such matters.[95] The findings of the committee in important cases were usually acted upon by the committee of the whole house.

Apparently the first complaints of mismanagement in elections came from the precincts of Currituck and Craven in 1731. In Craven, two justices of the peace were opposing each other: Joseph Hannis and Walter Lane. Lane was declared legally elected.[96] In the Currituck election the house moved for a new writ of election to issue, and issued its warrant for Thomas Lowther, the marshal on the ground that he had "misbehaved himself in the said election."[97]

In 1735, Maurice Moore of New Hanover precinct petitioned the legislature that "he had the majority of Votes but the Marshal who took the Poll returned Mr. Job. How." The house considered the allegations of both sides, and resolved that Moore was legally elected by a majority of votes.[98] Again, in 1739, the house acted contrary to the returns of an election officer. The committee of the whole house examined several witnesses and concluded that Robert Boyd, the returning officer for Bath, had conducted the election irregularly. The petitioner, Richard Rigby, was declared

[92] Tyrrell C. C. M., 1760; Executive Papers, 1769.
[93] *C. R.*, XXIII, p. 14.
[94] *C. R.*, II, III, IV, *passim*.
[95] *C. R.*, IV, pp. 384, 389, 496, 499, 500, 652-653.
[96] *C. R.*, III, pp. 289, 301.
[97] *C. R.*, III, p. 289.
[98] *C. R.*, IV, p. 117.

duly elected, and Boyd was summoned to the bar of the house to be "mildly reprimanded . . . . for obliterating the Poll for Bath Town & other misdemeanors in contempt of the Privileges of this House."[99] At the same time Walter Lane of Craven County again protested his illegal defeat at the polls, and was declared legally elected.[100] The same legislature summoned John Carter, a deputy marshal, "to attend upon a controverted election," and he replied by sending a "very abusive answer to this House."[101]

Again in 1740 we find Walter Lane protesting an election in Craven on account of the fact that the sheriff voted in the election. The house admitted the sheriff's vote as proper, however, and the petition was rejected.[102] At the same session a petition was presented by Griffith Jones, John White, and Robert Hamilton in behalf of themselves and the freeholders of Bladen County saying that Richard Everard was not qualified to be a member of the legislature, and gave as their specific charges that he "procured several unnaturalized Foreigners and others not qualified and they were polled by the Sheriff; and that the Sheriff was prevailed on to close the polls abruptly before several Freeholders had given their votes and who were at the polls for that purpose."[103] The petition was put to a vote and rejected, apparently without debate.[104]

A very significant protested election occurred in 1754 in Craven County. On December 16, of that year, four inhabitants of New Bern petitioned the legislature saying that they, among others, had voted for one Jeremiah Vail, but that James Davis, sheriff, had returned himself, "which we Apprehend is Quite Irregular and may be of Very bad President."[105] The house declared Davis illegally elected.[106] In the meantime the adherents of Davis had presented another petition to the assembly saying that they had voted for Davis while ignorant of the fact that his being sheriff would render him ineligible, and that, if he should be expelled, they desired a new writ of election to issue rather than to see Vail

[99] *C. R.*, IV, pp. 384-389.
[100] *C. R.*, IV, pp. 384, 385, 387.
[101] *C. R.*, IV, pp. 384-385. Carter was finally sent down to the house by the council, where he was in attendance as an officer, and begged the pardon of the house.
[102] *C. R.*, IV, pp. 496, 499, 500.
[103] *C. R.*, IV, pp. 494-495.
[104] *C. R.*, IV, pp. 494-495.
[105] Legislative Papers, 1754; *C. R.*, V, p. 243.
[106] *C. R.*, V, pp. 245-246.

seated.[107] This petition was signed by fourteen inhabitants. In the debate on the matter Samuel Swann objected to the motion for a new writ, and carried a motion to declare Vail seated.[108]

Beginning in 1754 and lasting until 1773 there was an increasing number of disputed elections and charges of mismanagement on the part of sheriffs in the elections in the western counties, particularly in Anson and Granville. In December, 1754, William Hurst of Granville petitioned the legislature in a protest against the election of Robert Harris.[109] In this petition Hurst declared that the sheriff had permitted many persons who were not freeholders to vote, thereby giving Harris a majority which he otherwise would not have had. Hurst further suggested that this was "greatly Subversive of the freedom of Elections, the Laws of this Province, the Rights and Liberties of the Subject." To this suggestion the legislature replied briefly that "The law does not allow of an Inquiry into the Facts contained in the sd Petition," and Harris was declared duly elected.[110] Here, for the first time, the legislature made an unequivocal denial of its authority to go beyond the returns of an election officer, and thereby made tacit assertion of its connections with local politics.

In 1760, another contested election occurred in the same county. Several resolutions of the committee of privileges and elections in April of that year show that the sheriff of Granville had appointed Reuben Searcy as clerk in the election, and that Searcy had acted with great partiality "in a manner subversive of the rights and Freedom of Elections." The resolutions were adopted and a new writ issued. There was apparently no doubt as to the legality of inquiring into the returns of election officers; the language used by the committee, in fact, was almost identical with that used by Hurst in the contest just mentioned.[111]

In the following years there were many elections in the conduct of which the sheriff was accused of partiality or mismanagement. In at least five of these cases the legislature appeared to find that the accusations were true, and either issued new writs or declared

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[107] This petition is not mentioned in the published journal of the legislature. Legislative Papers, December 20, 1754.

[108] *C. R.*, V, pp. 245-246. By way of comparison it is interesting to note that in 1743 the assembly had issued a new writ of election on the ground that the sheriff had merely failed to administer the oath to an election officer and was not, according to the resolution of the legislature, guilty of any partiality at all. *C. R.*, IV, pp. 652-653.

[109] *C. R.*, V, p. 243.

[110] Legislative Papers, December 18, 1754.

[111] *C. R.*, VI, pp. 366, 367, 374,375.

the petitioner legally elected.[112] In four of the contested elections, however, the legislature declared that the petitions of protest could not be sustained.[113] Three petitions apparently died in the committee.[114] The causes of protest in all of the elections were practically the same. William Gray of Bertie, in 1760, said he was "duly Elected . . . . and that the Sheriff refused to return him."[115] William Little of Anson protested that a "number of voices at the Election were refused or neglected to be received in favor of your Petitioner which would have given a Great Majority of Voices in his favor."[116] Jacob Blount of Craven, in 1762, accused the sheriff of permitting several persons who were not freeholders to vote; and at least five persons admitted to the committee that they voted when they were not legally qualified to do so.[117] In 1770, Thomas Respess of Beaufort accused the sheriff of illegally returning Wyriot Ormond when "he had a great majority of the votes of the freeholders of the town."[118] In 1773, Thomas Stewart of Tyrrell said that the sheriff, "by suffering a number of persons to vote at the said election who were not possessed of a freehold in that county and several Freeholders to vote twice and by divers other illegal and oppressive Acts . . . . procured a majority for one William Slade."[119] The petition of Peter Blinn, Gentleman, of Bath in 1766 claimed a legal majority of the votes of the freeholders.[120]

One of the most significant petitions coming to the assembly in protest of mismanaged elections by sheriffs was that of Thomas Wade of Anson County in 1773. Because of the light which it throws on the electoral procedure in colonial North Carolina, it is worth while to give the matter detailed attention. Starting out with the broad allegation that William Pickett, sheriff of Anson, did not conduct the election in a proper and legal manner, Wade

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[112] *C. R.*, VI, pp. 351-352, 366, 406, 675, 896, 904; IX, pp. 745-747.

[113] *C. R.*, VI, pp. 1259, 1278-1279; VIII, pp. 317, 341; IX, pp. 748, 755, 756; Legislative Papers, November 5, 1762; November 12, 1762; December 13, 1762; Secretary of State Papers, April 10, 1773.

[114] *C. R.*, VI., p. 365; VIII, 113; Legislative Papers, October 28, 1769.

[115] *C. R.*, VI, pp. 366, 406.

[116] *C. R.*, VI, p. 365.

[117] Legislative Papers, February 8 and 25, 1764; *C R.*, VI, p. 1154b. The committee reported, however, that Blount's petition could not be sustained. Legislative Papers, February 25, 1764; *C. R.*, 1159, 1183. The house did not concur in the resolution of the committee, but the matter was allowed to lie over till the next session, and nothing was done about it.

[118] *C. R.*, VIII, pp. 317,341; Legislative Papers, December 13, 1770. Ormond was declared duly elected.

[119] *C. R.*, IX, pp. 745-747. Stewart was declared elected by the committee.

[120] Legislative Papers, November 7 and 8, 1766; *C. R.*, VII, pp. 351-352. Blinn was declared elected.

made several specific charges against him: that he did not appoint inspectors of the election as required by law to do; "that sundry evil-disposed persons were, with the connivance of the sd Sheriff, placed in the passage to and from the Table where the sd Poll was kept, who stopped and interrogated the freeholders in their way to the Table . . . . who they intended to vote for; that if the sd freeholders . . . . declared in Faviour of Mr. James Pickett, the brother of him, and for Mr. Chas. Robinson, they were then assisted and helped forward by those persons to give in their Votes;" if their vote was unfavorable, they were "obstructed and hindered . . . . some of them being violently pushed back, others of them pulled back by the hair of their heads; and others so rudely and violently treated that great numbers . . . . were detered from voting for the petitioner and many of them from voting at all." Wade also charged that Pickett permitted the clerk at the table where Wade's poll was kept "to be assaulted and beaten in a very riotous manner as he sat at the table writing down the names of the voters . . . . and to be driven from the table and out of the court house and detered from returning any more during the election," though not more than half of the freeholders had voted. He further charged that a justice of the peace voluntarily required the sheriff to take the leader who beat the clerk and put him in jail, and he refused "to obey the command of the justice, or any ways to keep the peace, to quell the sd riot, or conduct the sd Election with any order or decorum."[121]

When the matter was discussed in the Committee in December, 1773, several depositions were heard. Only one of these affidavits declared that the election was just and impartial, and this was the statement of John Gwinn, the clerk who took the poll for Pickett's brother.[122] There were three others who testified that there had been fighting, and that Thomas Wade, as a justice, had commanded the sheriff to take the person who had started the riot. One of these, Robert Jarman, testified that he had voted for Wade, and as he did so, the sheriff whispered to him: "I see you vote against us, but pray don't make Interest against us." Jarman testified that he then went out and presently returned, when he saw one Sam Par-

[121] The justice here referred to was Wade himself. Secretary of State Papers, November 29, 1773; the deposition of Robert Webb; *idem*, December 11, 1773.

[122] Moreover, this deposition was taken April 13, 1773, three days after the election, apparently in anticipation of a protest. The others were made in November. *Iden*, 1773.

sons standing by the clerk's table with a bottle in his hand, and as the people came in he whispered to them as if interrogating them, and that when Wade ordered him away he refused and seemed to be "in a passion." Going out and returning again, Jarman saw the two clerks, John Twitty and John Gwinn, standing at the table, one with a pistol in his hand and the other with a drawn sword, and said that he heard Wade "command the peace at sundry times," and command the sheriff to take the leader of the riot, and heard the sheriff's refusal. Wade then turned to the crowd to know if there was a deputy or a constable present. At that point Jarman again left the court house, "it appearing dangerous to stay in the house as it lookt as if murder would be done." Jarman asserted that many people had been unable to vote, as "they was not so fond of an Election as to fight for it." He believed Wade would have been elected if the election had been orderly.[123]

When the committee in the assembly had heard these witnesses, they resolved that "the charges contained in the sd Memorial are not sufficiently supported by testimony so as to set aside the sd election." The house concurred in the resolution.[124] In spite of this, one can scarcely doubt that the sheriff, being the brother of one of the candidates, did show some partiality in the election. The majority of the evidence submitted indicates that. At any rate, the incident serves to illustrate the powerful influence which sheriffs exercised over the elections.

As indicated by the Wade petition, the elections were probably very informal, one-sided affairs. Politics in its crudest sense no doubt found play in them. Since the elections were held at the court house, and under the immediate supervision of the influential court ring, and under the control of the most powerful officer in the ring, the poorer and more numerous class of freeholders probably would not dare to vote contrary to the wishes of the men who more or less determined their economic and social status. Another phase of the political exploitation of the elections no doubt took place in the ordinaries, or inns. Small, informal caucuses, where flip and punch flowed freely for those who promised to vote the right way, were probably held at these places, and elections were more or less determined before the drawing up of the electoral

[123] Secretary of State Papers, November 30, 1773.
[124] *C. R.*, IX, pp. 748, 755, 756.

list. Sheriffs were frequently the owners of ordinaries, and therefore in ready position to bring the aid of liquors to their elections.[125]

The petition of Wade also indicates the importance of family politics. But there was still another political phase of the court ring which strengthened the power of the sheriffs; namely, the politics of the colonial militia. The county militia, like the county court, with which it was inseparably bound up, was virtually a close corporation. The officers were the justices of the peace, the clerks of court, and the sheriffs. They controlled the appointments to the militia so effectively that the governors were in the habit of sending blank commissions to the men already in command, and permitting these men to fill the commissions out for their subalterns and even for their successors.[126] As a result, all of the offices drawing attractive fees were filled by local court officials. The sheriffs were prominent in the commissioned ranks of the militia. Alexander Mebane of Orange, Samuel Heighe of Pasquotank, Osborne Jeffries of Bute, John Gray of Orange,[127] and many other sheriffs were commissioned officers in the militia.[128] And the militia was often used to solidify the position of the court officials in the elections; one petitioner complains of the lax discipline of the militia, "which is wink'd at by the Officer's Commanding them, in order to Curry favour [to get their Votes at Elections] with the People . . . ."[129]

Because of these facts, the court officials constituted the most unrepresentative form of local government which North Carolina has ever had. The suffrage was not only restricted legally, but in actual practice was so managed by the officials that nothing like free and representative suffrage existed. As a result even the legislature was of the same complexion as the local bodies, and could be said to be representative only in the sense that it was representative of the dominant class of local officials. The system of self-government which the colonists had thus developed through practice was one which could be easily exploited by the

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[125] *Supra*, note 33. This was probably the cause for the order of the council in 1749 prohibiting ordinary keepers from being commissioned as sheriffs.

[126] Executive Papers, April 30, 1756; *passim*.

[127] Alex. McCulloch resigned his commission as colonel in Orange, and wrote to Dobbs as follows: "The properest person to Act in that commission who lives in the County is one John Gray who is Sheriff of sd County." Executive Papers, December 19, 1754.

[128] Bute C. C. M., 1766; Tyrrell C. C. M., 1754; Orange C. C. M., June, 1753; *C. R.*, XXII, p. 345; *passim*.

[129] John Sallis to Dobbs, September 6, 1755. Executive Papers.

leaders. It is obvious that such an unrepresentative form of government, dominated by local leaders, could be brought to revolutionary pitch in short order if the officials desired it. This is precisely what happened in revolutionary North Carolina, and of the governing officials who were at the lead, the sheriffs were quite prominent.[130]

[130] Dartmouth MSS., pp. 114, 123-124, 159, 171, 172, 215; *C. R.*, X, pp. 244-246. "These officers are generally, if not universally, the leaders in the present sedition." Martin to the Earl of Dartmouth, September, 1775.

ALEXANDER McGILLIVRAY, 1783-1789

By Arthur Preston Whitaker

I.

It would be difficult to find anywhere in the lurid annals of the Old Southwest a more striking figure than Alexander McGillivray. During his lifetime he was a terror to the frontiersmen of the Carolinas and Georgia, whom he harried with the combined ferocity of a British loyalist, an agent of the jealous Spaniards and a half-breed chief of the Creek Indians. Long after his death the Georgians continued to curse his memory, and one of their historians assures us that his instinct for making money, his faithlessness and his malignity "gave obvious indications of his Scotch, French and Indian descent."[1] An estimate of another kind is offered by the historian of Alabama, who hails McGillivray as the Talleyrand of Alabama and the most gifted and remarkable man ever born within the limits of that state.[2] The canvas of his life was painted in primary colors, and the pattern of his character was a bizarre confusion of sophistication and primitive illogicality. Possessed of a share of European culture that placed him far above the intellectual level of the American backwoodsmen of his day, he was impelled by something more profound than culture to live out his life in the Creek country.

Perhaps the most important single fact in his life history is his childhood residence among the Creek Indians. The present writer cannot state with any degree of precision the date of his birth, which may have been 1746 or 1759;[3] but there can be no doubt that he was born in the Creek country, the son of an Indian woman and the Scotch trader, Lachlan McGillivray, and that the early years of his life (probably the first fourteen) were spent among those savages. We are told that his mother, Sehoy, herself a half-breed French-Indian,[4] often dreamed during her pregnancy of

[1] G. R. Gilmer, *Sketches of Some of the First Settlers of Upper Georgia* (New York, 1855), 324-25.

[2] A. J. Pickett, *History of Alabama,* (Birmingham, 1900), 342. Cited hereafter as Pickett.

[3] Pickett, 342 ff., intimates that he was born about 1746; but Col. John Pope, who visited McGillivray in 1791, says he was then only thirty-two years of age: *A Tour, etc.,* (Richmond, 1792), 48. Pickett may have been misled by Pope's further statement that McGillivray had the appearance of a man of forty-five. Subtracting forty-five from 1791 we have 1746, which Pickett gives as the date of McGillivray's birth.

[4] So says Pickett: but I found in the Spanish archives several references to McGillivray as a half-breed *(mestizo)* and only one reference to him as a quadroon *(quarterón)*. The latter is in the Archivo General de Indias (Seville), 86-6-7, Zéspedes to Count Gálvez, August 16, 1784, No. 21 *de preferencia.* This archive will hereafter be referred to as AI.

books and manuscripts, ink and paper, and that it was in consequence of the squaw's literary dream-life that Alexander grew up to be a statesman.[5] However that may be, it was only after he had spent the early years of his impressionable youth in the Indian country that he was taken to Charleston and Savannah to acquire a veneer of European culture. He took kindly to his new environment, made the most of his opportunities, and showed a decided preference for world-history over book-keeping; but when the American Revolution broke out and his loyalist father and uncle sought refuge in Britain,[6] this child of the forest returned to his home on the Coosa. Nor did he seem to regret his choice, for during the remaining eighteen years of his life, despite a correspondence that covered the Floridas, Louisiana, the United States and Great Britain, he never emerged from his primitive surroundings except for a single journey to New York (1790), two to New Orleans (1786 and 1792), and an occasional visit to Pensacola.

Yet, while he returned to the forest scenes of his childhood, he never reverted to the savage life. His garb was sometimes that of an Indian, sometimes that of a white man, sometimes a mixture of the two,[7] but his mode of life on his estates at Little Tallassie, the Hickory Ground and Little River was that of a prosperous Southern planter. In 1776, when Louis Milfort first saw him at the Creek town of Coweta,[8] McGillivray, seated on a bear-skin in the midst of an assembly of warriors, appeared to be simply an Indian chief. The Frenchman soon found that the man he had to deal with was more than a mere savage. After vainly trying his own tongue,[9] he finally made himself understood in broken English, and was warmly welcomed and taken to McGillivray's home, Little Tallassie, on the Coosa River, about six miles above its junction with the Tallapoosa. There he found that the half-breed had a substantial plantation with about sixty negroes, each

[5] Pickett, 342-46.

[6] Loyalist Papers (transcripts in the New York Public Library), vol. 34, pp. 37, 38, 43; *ib.*, *Audit Office Papers*, vol. 2, p. 159.

[7] Pickett, 429-31; F. L. Humphreys, *Life of David Humphreys*, II, 8, 9, says McGillivray "dresses altogether in the Indian fashion, and is rather slovenly than otherwise."

[8] This is the date given by Milfort, but in 1792 Enrique White wrote Miró that Milfort had been in the nation only seven years, i. e., since 1785: AI, Papeles de Cuba, l. 25, White to Miró, April 10, 1792, personal. (The Papeles de Cuba will hereafter be referred to as PC.) White had met McGillivray in 1786, was an officer in the fixed regiment of Louisiana, and was well informed about Creek affairs. It is reasonably certain that Milfort made his first trip to Pensacola in 1789: *ib.*, l. 202, McGillivray to Cruzat, June 24, 1789.

[9] In 1784, McGillivray admitted that he spoke neither French nor Spanish: *ib.*, l. 197, McGillivray to O'Neill, February 5, 1784.

family living in its own cabin, "which gave his place the appearance of a little village."[10]

When Colonel John Pope passed through the Creek country fifteen years later, he found McGillivray at his upper plantation, six miles above Little Tallassie, building a log house with dormer windows on the spot where his father, Lachlan, had resided while a trader in the nation.[11] According to Pope, McGillivray had more than fifty negroes on his plantations, "as also large stocks of horses, hogs, and horned cattle. Two or three white men superintend their respective ranges, and now and then collect them together in order to brand, mark, etc."

Pope's description of the lord of this frontier manor is most interesting. A weak constitution, undermined by early dissipation, made McGillivray appear "at least five and forty, tho' in fact only thirty-two years of age." He suffered from chronic headaches, but was placid and serene, and, when not suffering from headache, "quite joyous." "He possesses an Atticism of diction[12] aided by a liberal education, a great fund of wit and humor, meliorated by perfect good nature and politeness." His "lady" Pope found a model of prudence and discretion, and very charming in appearance, considering that her skin was olive, not white. Their two children, Alexander and Elizabeth, spoke English as well as "our children" of the same age. McGillivray set a good table, and had various wines and ardent spirits on his sideboard. With great pride he showed Pope some books and a golden epaulet given him by George Washington in 1790.[13] "He receives annual presents from his father in Scotland, which he modestly displays to his friends, saying, those I received from my natural, these from my political and adopted father [Washington]."

The historian Pickett gives us the only detailed description that we have of his physical appearance.[14] According to this account, McGillivray was about six feet two inches in height, spare and

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[10] Louis Milfort, *Séjour dans la Nation Crëck* (Paris, 1803), 22-27. In his numerous autograph letters preserved in AI, PC, he spells his name Milford; but I give the name in the customary form, Milfort, since that is the form in which it appears on the title page of the *Séjour*.

[11] J. Pope, *A Tour*, 46-48. I have not employed the indiscriminate capitalization of Pope's text. After Pope's departure in June, 1791, McGillivray informed Miró that Pope had asked him if he would remain neutral in case of an attack on the Spanish posts: AI, PC, I. 1446, Miró to Casas, July 17, 1791, no 31 *res.*, and enclosures.

[12] Pope also remarked on the "Atticism" of George Rogers Clark's "wit:" Temple Bodley, *George Rogers Clark* (Boston, 1926), 342.

[13] Milfort, *Séjour*, 145-46, says that these epaulets were sent to Washington by the court of France through Lafayette; that McGillivray gave them to him, Milfort; and that he exchanged them in Paris "not long since" for some of more modern style.

[14] Pickett, 429-31.

erect. His eyes were large, dark and piercing; his fingers, long and tapering; and his peculiar forehead was considerably wider at the top of his head than at his eyes. His face was otherwise handsome, and his expression alert. He seems to have been the victim of two vices, drunkenness and sexual indulgence. William Panton, who knew him well, spoke of his "dissipation" and intimates clearly that he had several "wives"; and David Humphreys, who conducted a negotiation with him in 1789, described him as so addicted to debauchery that he looked as if he could not live another four years.[15]

II.

It was in 1775 that the Revolutionary disturbances sent him back to his home on the Coosa, and throughout the war he was a tower of British strength among the Southern Indians. As the son of the great trader and politician, Lachlan McGillivray, who was banished from Georgia and whose property, to the value of a hundred thousand dollars, was confiscated by the rebels,[16] and as the son of a Creek woman, whose people had long been on unfriendly terms with their white neighbors to the east, Alexander was the sworn enemy of the Georgians. By the end of the Revolution, he had another reason for hostility to them, for he had formed a connection with the trader William Panton, who, like the elder McGillivray, was a British loyalist proscribed by the Georgia rebels. It was also the influence of his father and mother that made Alexander a man of consequence among the Creek, for his mother belonged to the powerful family of the Wind,[17] and in thirty years of trading and residence among them his wealthy father had formed valuable connections.[18] To all this was added Alexander's appointment as British agent among the Indians, in which capacity he organized war parties and sent them against the Georgia frontier.[19] He himself was no warrior, Milfort tells

[15] Humphreys, *Life of David Humphreys*, II, 8, 9; Panton's letter is given in Pickett, 430-31.

[16] *Georgia Papers* (MSS., Lib., of Cong.), *1732-1908*, fol. 116, copy of a circular letter from Governor Lyman Hall of Georgia, dated Savannah, August 25, 1783; AI, PC, l. 203, Panton to Miró, August 31, 1789, and enclosure; *ib.*, l. 2352, O'Neill to Gálvez, October 31, 1785, No. 3.

[17] Pickett, 342. A contemporary reference to this fact is in a letter from O'Neill to Gardoqui, dated Pensacola, April 19, 1786: AI, PC, l. 2352, copy.

[18] The *Georgia Colonial Records* contain several references to Lachlan McGillivray, e. g., XVI, 494-95, 524-25, and IX, 269-70. James Adair, in his *American Indians*, p. 366, urged that either Lachlan McGillivray or George Galphin (another trader) should be appointed British Superintendent of Southern Indian Affairs in place of the incumbent, John Stuart.

[19] AI, PC, l. 1446, McGillivray to (O'Neill), January 1, 1784, Spanish translation, enclosed in Carondelet to Casas, August 23, 1792, No. 43 *reservada*.

us, and the contemporary evidence corroborates his statement.[20] The half-breed himself lived in comfort and safety at his plantations on the Coosa while the Indians did his fighting and the slaves tilled his fields.

What part he played in the Spanish attack and the British resistance in West Florida does not appear. On one hand, he complained that in the negotiations of 1782-83 the British had deserted their faithful Creek allies;[21] and on the other hand, his first extant letter to the Spaniards, written in March, 1783, before the conclusion of peace, does not indicate that he regarded himself or his tribe as enemies of Spain.[22] This initial letter, written to protect one Ambrose Grizzard, who had gone to Pensacola to sell slaves, opened a correspondence with the Spanish officials and paved the way for a rapprochement the following year.

III.

After the conclusion of peace at Paris in 1783, the chief problem in Indian affairs for both the United States and Spain was to maintain friendly relations with the savages. This problem was particularly pressing in the case of the Creek, for they inhabited the territory in dispute between the two powers and were the only tribe of Southern Indians bordering immediately on the settlements of both countries. They numbered over five thousand "gun men," as the phrase went, and were the most redoubtable warriors of that day. Their population was increasing rapidly, and as game took its flight they became more and more dependent on their white neighbors for support. Though their trade was declining, it was still a highly prized source of wealth to their white neighbors and an indispensable means of controlling their alliance. Before the Revolution, the trade of the Southern Indians had been carried on through Augusta, Savannah and Charleston on the one hand and through Mobile and Pensacola on the other, with a manifest tendency to follow the flight of game westward.

The Spanish policy was to complete the process by monopolizing the trade of the Creek, Choctaw and Chickasaw Indians through

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[20] Milfort, *Séjour*, 134-36; AI, PC, l. 1446, Carondelet to Aranda, June 11, 1792, No. 2 *res.*

[21] See note 19.

[22] AI, PC, l. 196, McGillivray to the Spanish commandant at Pensacola, dated "Little Tallassies or Hiccory Ground," March 10, 1783. In a letter to Miró, March 28, 1784, McGillivray mentioned a proposal he had made to O'Neill before the conclusion of peace that Spain take the Creek under her protection: *ib.*, l. 197.

trading posts at St. Augustine, Mobile and Pensacola. The Indians, thus rendered docile, would then be used to keep the Americans at a safe distance from the Mississippi. There was an intimate connection between the Indian policy and the diplomacy of Spain, and Alexander McGillivray was courted by the Dons in order to facilitate the negotiation of Gardoqui at New York.[23]

The American policy, hampered by the feebleness of Congress, the machinations of land speculators and the belligerency of the frontiersmen, was to recover for Augusta, Savannah and Charleston their one-time ascendancy in the Southern Indian trade, and to exclude all but American traders from the Indians towns within our national limits. The conflict for control of the fur trade was therefore intimately connected with the boundary controversy between the two nations, since most of the Southern Indians, including the majority of the Creek, lived in the disputed territory between the thirty-first parallel and the Tennessee River.[24] The Creek were the key tribe in the South, and as McGillivray forced both Spain and the United States to recognize him as the spokesman of the tribe, the story of his life in the ten years from the end of the Revolution to his death in 1793 is of more than local or antiquarian interest, and indeed possesses an international significance.

When the Peace of 1783 confirmed Spain in possession of the two Floridas, there was no doubt that McGillivray would prefer to trade with the Spaniards rather than with the "rebellious crew" in the "distracted republick," as he described the Americans and their government. Trade with one or the other he must, for there was no other channel by which his people could exchange their peltry for guns and powder, war-paint and mirrors. But there was doubt as to the reception that the Spaniards would accord him, and it required skill, patience and no little state-craft to secure his recognition as the head of the whole Creek "nation" and to obtain commercial concessions and aid against the Americans. With the skill and patience of an Indian hunter stalking a deer, with the statecraft of a European, and with the co-operation of William Panton

[23] AI, PC, l. 2352, (Count Gálvez) to Gardoqui, Mexico, October 27, 1785, *res.*, draft.

[24] For the Spanish boundary claim see A. P. Whitaker, *The Spanish-American Frontier* (Boston, 1927), 69, 71, and map facing p. 68; and S. F. Bemis, *Pinckney's Treaty*, maps facing p. 77, and note correcting these maps in Hispanic Am. Hist. Rev., August, 1927.

he overcame formidable obstacles and, within the short space of two years, got precisely what he sought.

One of the formidable obstacles that we have mentioned was the fact that in 1783 McGillivray was not recognized as their head by the Indians themselves. Milfort tells us that in 1776 he was merely an influential "beloved man" and not the supreme head of the nation;[25] and, although this is overstating the case, since McGillivray was also a British Indian agent, it nevertheless appears that at the end of the Revolution he was by no means the commanding figure he soon became. It was apparently the British defeat and the withdrawal or death of more influential Britons that opened to him the highway to power. His connections and talents enabled him to make the most of the opportunity. Indeed, it would seem that he and Panton first deceived the Spaniards into thinking him of more consequence than he was, and then used the Spanish patronage to establish his ascendancy over the tribe.[26]

Another obstacle that McGillivray had to encounter was the reluctance of Spain to make any concessions to his British associates, Panton, Leslie and Company. In the first place, Spanish policy forbade foreign trade with the Spanish colonies. In the second place, although the general rule had to be suspended in the present case, through the inability of Spanish merchants to supply the Southern Indian trade, the colonial officials of Louisiana and West Florida had favorites of their own for whom they were determined to procure the plum of trade concessions. Bernardo de Gálvez, captain general of Louisiana and the Floridas, first persuaded the court to grant a monopoly of the Indian trade to his creole father-in-law, Gilberto Antonio de Maxent, on condition that the goods for the trade be obtained from France or Spain. When war-time disaster and a prosecution for smuggling ruined Maxent, the mantle of official favor then fell upon the British firm of Mather and Strother, who were already established at Mobile and New Orleans.[27]

This was the situation that McGillivray had to face at the begin-

[25] Milfort, *Séjour*, 324-25.

[26] Pickett, 430-31, prints a letter of Panton's, written in 1794, in which the Scotchman said: "I found him [McGillivray] deserted by the British, without money, without friends and without property, saving a few negroes . . . . I advised, I supported, I pushed him on, to be the great man." At the same time, Panton admitted that McGillivray had rendered him invaluable assistance. Milfort too claimed the credit for having made McGillivray the supreme head of the Creek nation: *Séjour*, 325.

[27] A. P. Whitaker, *Spanish-American Frontier*, 40-42.

ning of 1784. Throughout the preceding year he had kept up a desultory correspondence with Governor O'Neill of Pensacola, and had even paid a visit to that post;[28] but until he knew the outcome of the negotiations at Paris he took no decisive step, apparently expecting British diplomacy to recover West Florida for Great Britian.[29] Some time in December a messenger from St. Augustine informed him to his chagrin that the final treaty of peace had left Spain in possession of the two Floridas and the Creek towns within the territory of the United States. Thereupon he composed his well known letter[30] of January 1, 1784, to Governor O'Neill, protesting against the treaty on the ground that the Creek were "a free people," and that the king of England had no right to cede their territory to the United States or any other power. In the name of the Creek nation he asked the protection of His Catholic Majesty for their persons and lands: "We have the right to choose our protector, and we do not see anyone who answers our purposes better than the Sovereign of the two Floridas." He next proceeded to demonstrate the necessity of Spain's attaching the Southern Indians to her interest. This he did by warning O'Neill that many Americans were crossing the mountains and settling on the Mississippi, where "they propose establishing what they call the *Western Independence*. . . . If they once form settlements on the Mississippi, it will require much time, trouble and expense to dislodge them." He further declared that the Americans were talking openly of conquering Mobile and Pensacola, and were trying "by every means in their power" to get the Indians to aid them in their undertaking. In other words, he argued that Spain needed the Southern Indians as a bulwark against American aggression and as a means of preventing or breaking up American frontier settlements in the Mississippi Valley.[31] In order to enlist his people in her service and to prevent their accepting American offers of trade, he advised Spain to grant them as many commercial concessions and other privileges as possible.

McGillivray's letters made a deep impression on the Spanish offi-

[28] AI, PC, l. 196, McGillivray to O'Neill, December 5, 1783.

[29] Letter cited in preceding note.

[30] Cited in note 19; printed in C. Gayarré, *Louisiana: the Spanish Domination*, 157-60. (Cited hereafter as Gayarré.) There is reason for thinking that this letter was written later in the year and antedated, for it seems very doubtful that it could have been written only two days before McGillivray's unquestionably authentic letter of January 3, 1784, to O'Neill (AI, PC, l. 196, autograph).

[31] Gayarré, 158, misinterprets this passage, for he says that it hints at an intrigue by Spain to separate the West from the United States.

cials and prepared them to treat the writer with consideration at the approaching congress with the Creek. This congress met at Pensacola on May 30, 1784, and lasted until June 1.[32] Governor Miró (governor *ad interim* of Louisiana and West Florida in Gálvez's absence), Intendant Navarro and O'Neill represented Spain. McGillivray apparently did most of the talking for his tribe, and William Panton was on hand to look after the interests of his company. A treaty[33] of amity and commerce was entered into. The Creek acknowledged the protectorate of Spain, abjured that of any other nation, and agreed to exclude from their towns all traders who could not show a Spanish licence. The king of Spain on his part took them under his protection in so far as their towns lay within his possessions,—an equivocal clause, since the extent of his possessions in this quarter was one of the chief subjects of dispute between the United States and Spain. As for McGillivray himself, Miró appointed him commissary of the king among the Creek Indians, at a salary of fifty pesos (dollars) a month, with the general obligation of representing Spanish interests among those Indians, and with the particular duty of enforcing the tariff and trade regulations drawn up by the governor in agreement with the tribe.[34]

This was an important point gained, and it gave the halfbreed great influence among the Creek; but in two respects he and Panton failed to have their way, for Miró refused to promise the tribe armed support in its boundary controversy with the Georgians and gave the desired trade concession at Pensacola not to Panton but to Mather and Strother. In regard to the first point, McGillivray tried to commit Spain to the support of the tribe's territorial claim as defined by themselves, and to exact a promise of armed support; but Miró would promise him nothing more than that his desires would be made known to the court. At the same time, he foreshadowed the removal of these Southern Indians west of the Mississippi by assuring McGillivray that His Majesty would undoubtedly grant the Creek any vacant lands belonging to him, in case the Americans should drive them out of their present possessions;[35]

[32] AI, PC, l. 1394, Miró to Ezpeleta, August 1, 1784; Jane M. Berry, "The Indian Policy of Spain in the Southwest, 1783-1795," Miss. Val. Hist. Rev., III, 463-64.

[33] A copy of the treaty is in the Archivo Histórico Nacional (Madrid), Sección de Estado, l. 3885, *expediente* 22, copy No. 5. This collection will hereafter be referred to as AHN, E.

[34] A copy of Miró's instructions to McGillivray accompanies the despatch cited in note 32.

[35] McGillivray's request for aid and Miró's reply are reported in the despatch cited in note 32.

a suggestion that was as unwelcome to the trader-planter half-breed as it was to his warrior half-brothers.

In regard to the second point, McGillivray held out resolutely for the establishment of Panton at Pensacola, but found the Spanish officials adamant.[36] Mather and Strother were given permission to bring two shiploads of Indian goods from England, one for Pensacola and one for Mobile, with the clear stipulation that the privilege was restricted to this one voyage, pending the king's final disposition for supplying the Indians. With the same warning of its provisional character, Panton and McGillivray did obtain one concession from the Spaniards, namely, that their associate, Charles McLatchy, might continue to trade with the Creek through the post that he had established at St. Mark's in 1783 at the site of the old Spanish fort.[37] This permission was directly responsible for the transfer of St. Mark's from East to West Florida by an order of Count Gálvez dated April 30, 1785.[38] It was also responsible for the establishment of a Spanish post at that place in 1787, partly in order to protect Panton's store against freebooters and partly to prevent contraband trade with the Creek Indians.[39]

IV.

Building on the concessions that they had obtained, McGillivray and Panton set to work to get what had been denied them; and in both cases, working shoulder to shoulder, they were successful. First they obtained in 1785 the coveted concession at Pensacola. Mather and Strother's credit at London, it seems, was sufficient to supply only one shipload of goods, and this they sent to Mobile, leaving Pensacola unprovided. Panton stepped into the breach, agreed to bring the necessary goods from the Bahamas, and received a licence for that purpose.[40] From this time until his death in 1803, he maintained a store at Pensacola, receiving a renewal of his licence from year to year, for the Spanish government was reluctant to admit British trade to its colonial ports, and

[36] AI, 86-6-7, Zéspedes to José de Gálvez, June 20, 1785, No. 86, *de pref.*, and enclosed Spanish translation of McGillivray to Zéspedes, May 22, 1785.

[37] AI, PC, l. 196, Charles McLatchy to O'Neill, March 4, 1784; *ib.*, l. 197, McGillivray to Miró, March 28, 1784.

[38] AI, 86-6-7, Zéspedes to J. de Gálvez, June 20, 1785, No. 86 *de pref.*

[39] AI, PC, l. 11, Count Gálvez to Miró, Havana, May 6, 1785; *ib*, l. 4, Miró to O'Neill, May 8, 1787.

[40] AHN, E, l. 3898, Count Gálvez to J. de Gálvez, May 6, 1785, No. 27; *ib.*, draft of J. de Gálvez's reply, San Lorenzo, October 10, 1785.

did so only because its colonial governors urged upon it repeatedly the indispensability of the measure.

Here it was that McGillivray did yeoman service for Panton, Leslie and Company, for he wrote with the double authority of a chief residing in the Indian country and of Spain's own authorized agent. Consequently his opinion had great weight with the Spanish officials, who often sent translations of his letters to the court, and not infrequently based their recommendations chiefly on his advice.[41] The advice that he gave was always on the same theme, with variations. Always he gave warning of the American menace to Spanish Florida and Louisiana, pictured the Indians as holding the balance of power on the Spanish-American frontier, and emphasized, even to exaggeration, the importance of trade in determining Indian alliances. Finally, he pointed to Panton as the only person capable of supplying the Southern Indians on terms satisfactory to both themselves and Spain.[42] It was almost an insult to average intelligence to point the moral of this tale, which was that Panton must be established at Pensacola and elsewhere with as many privileges as Spain could grant him.

When in 1785 Panton, using the permission mentioned above, landed a shipload of goods at Pensacola and supplied the Creek with blankets and munitions, McGillivray was quick to assure Miró and O'Neill of the wholesome effect that the supply had had on the morale of the Indians, thus paving the way for the renewal of the permission.[43] This the governor and intendant granted. Their action was approved by the court in 1786,[44] and within a few years Panton, Leslie and Company had absorbed the bulk of the Southern Indian trade. Those astute Scotchmen knew how to make the most of their opportunity; but in West Florida they owed their opportunity very largely to their fellow loyalist, the half-breed.

The relation of McGillivray to this trading house was a curious one. The available evidence indicates that he was not a member of it;[45] yet his relations with it were so close that on his death-bed

[41] The following are a few of the instances that might be cited: AI, 86-6-7, Zéspedes to Count Gálvez, August 16, 1784, No. 21 *de pref.*, enclosing and supporting Panton's memorial of July 21, 1784; *ib.*, Zéspedes to J. de Gálvez, June 20, 1785, No. 86 *de pref.*; *ib.*, 87-1-19, Navarro to J. de Gálvez, April 16, 1784, No. 216; *ib.*, PC, l. 37, O'Neill to Count Gálvez, September 4, 1785.

[42] For example, McGillivray to Zéspedes, May 22, 1785, Spanish translation, enclosed in Zéspedes' despatch No. 86 *de pref.*, cited in the preceding note.

[43] AI, PC, l. 37, McGillivray to O'Neill, November 8, 1785, copy; and reference cited in note 42.

[44] AI, PC, l. 176-2, Sonora to the Governor of Louisiana, Aranjuez, March 30, 1786, royal order.

[45] AI, 86-6-20, Quesada to Aparici, September 15, 1791. The extant letters of Panton and McGillivray bear out this statement. See for example Pickett, 388.

he made two of its members, Panton and John Forbes, his executors.[46] The relationship, however, seems to have been one of dependence, financially at any rate, for the planter McGillivray seems to have been as chronically indebted to these Scotchmen as were the Virginia planters to Scotch merchants in the colonial period. Twice, as we shall see, he tried to shake off their tutelage, but they held him in too firm a grasp. In 1789 he confessed, in a plaintive letter to Panton about his financial difficulties, that he was dependent upon the Scotchman for his private support as well as for the expenses of his department;[47] and Panton asserted in 1794 that McGillivray died in debt to him.[48] No doubt a mere mathematical computation (if one were possible) would corroborate his statement; but on the credit side of the ledger there is the imponderable element of McGillivray's influnce with the Creek Indians, with whom Panton wished to trade, and with the Spanish officials, who controlled the seaports.[49]

One naturally asks what effect this connection had on McGillivray's public life. The answer seems to be that Panton exercised a stabilizing, conservatizing influence over him. His company knew what they wanted and how to get it. Their perseverance was unremitting, and their constancy never wavered. McGillivray, on the other hand, with the emotional instability of a half-breed, and with more regard than the merchants for the interests of the Indians, flew from one extreme to the other, and, but for the restraining hand of William Panton, would doubtless have turned confusion into anarchy on the Spanish-American frontier.

V.

The second concession that McGillivray and Panton wrung from the reluctant Spaniards in the aftermath of Pensacola was that of armed support in their conflict with the frontiersmen and traders of Georgia and Cumberland. This aid, sought and denied at Pensacola in 1784, was granted through Pensacola in 1786; and the war thus begun continued intermittently until Washington's government intervened and concluded a paper peace in 1790.

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[46] AI, PC, l. 203, Panton to Carondelet, February 20, 1793. In 1786 McGillivray thought of having his salary paid through John Forbes: *ib.*, l. 199, McGillivray to O'Neill, August 20, 1786.

[47] AI, PC, l. 203, McGillivray to Panton, August 10, 1789, copy, enclosed in Panton to Miró, August 31, 1789.

[48] Pickett, 431.

[49] Panton himself admitted this: Pickett, 430.

On July 10, 1785, McGillivray wrote a memorial[50] to the king of Spain. Speaking in the name of the Creek, Cherokee and Chickasaw tribes, he asserted the illegality of all the American settlements in the Southwest beyond the Indian line as it existed in June, 1773, and urged the king to remember his promise of protection in the treaty of Pensacola and to send suitable instructions to the Spanish envoy (Gardoqui) then engaged in a negotiation with Congress on the boundary question. In support of his assertion, McGillivray argued that never, from the settlement of Carolina and Georgia to the peace of 1783, had Great Britian pretended to hold title to Indian lands, save by free gift of the Indians or by formal purchase, and that therefore Great Britian had no right to cede the Creek country to the United States as she pretended to by the treaty of 1783. Moreover, said McGillivray, the last formal purchase of Indian lands was made by the British in Georgia in 1773, and consequently all American settlements made beyond the Indian line as it existed in that year were illegal. Among these settlements were those on the Oconee lands in Georgia, on the Cumberland River in Western North Carolina, and others on the Mississippi.

This memorial is a most important document. In the first place, it was responsible for the decision of the Spanish government to let Panton's company remain in Pensacola and St. Augustine.[51] In the second place, it adumbrates McGillivray's idea of a general Indian confederation to oppose the advance of American settlement (an idea, which was, as we shall see, adopted by the Spanish government), and it contains the programme that he spent the next five years of his life trying to execute.[52] He denied by implication the validity of the several treaties by which during the Revolutionary period the Southern states had acquired vast territories from the Creek and Cherokee "nations"; Henderson's purchase of 1775, the treaty of North Carolina and Virginia (1777) with the Cherokee and those of 1783 between Georgia and the Cherokee and Creek. He would fain have turned back the moving finger to

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[50] M. Serrano y Sanz, *España y los Indios Cherokis y Chactas . . . .*, (Seville, 1916), 21-23. The original despatch, Count Gálvez to J. de Gálvez, Mexico, October 27, 1785, No. 55 *de pref.*, enclosing a Spanish translation of McGillivray's memorial, is in AHN, E, l. 3898; *ib.*, draft of J. de Gálvez's reply, May 6, 1786, informing the Count that a royal order of the same date was being sent to Zéspedes permitting Panton, Leslie and Company to remain at St. Augustine.

[51] *Ibid.*

[52] In November, 1785, the commissioners of Congress informed that body of McGillivray's efforts to create such a confederation: *Am. State Papers, Indian Affairs,* I, 16. (Referred to hereafter as ASP, IA.)

alter whole pages of frontier history written in the last dozen years; and had his contention prevailed, a large part of Georgia, all of the "State of Franklin," all of Cumberland and two-thirds of Kentucky would have had to be evacuated by the Americans. More than this, the bounties granted their troops by Georgia, the Carolinas and Virginia would have been rendered worthless, those states would have been deprived of one of the means of retiring their war-time currency, and one of the fairest fields in America would have been closed to the voracious land speculators, who were swarming into it from the Atlantic seaboard.

The programme was utterly hopeless, yet its adoption by McGillivray was quite comprehensible. It expressed a loyalist's bitter hatred of the triumphant Whigs, a fur trader's solicitude for the integrity of the Indian's hunting grounds, and an Indian's fear of eviction from his native soil by the insatiable Anglo-Americans. Among the multitude whose minds were impressed by the Revolutionary pattern was Alexander McGillivray, who regarded himself as a kind of George Washington among the Southern Indians, and who sought aid from Spain, as Washington had from France, in order to establish the independence of his people. Nor did this undertaking seem so hopeless to McGillivray in 1785 as it does to us in retrospect, for he and Panton (and many enlightened Americans and Europeans, for that matter) thought the republican experiment doomed to failure. Indeed, in 1784 McGillivray wrote O'Neill: "Before long I expect to hear that the three kings [of Spain, France and England] must settle the matter by dividing America [the United States] between them."[53] It was only after five years' bitter experience had shown him the unreliability of his Spanish protectors and after the establishment of a stronger United States government had demonstrated the vitality of the republic that he lost hope and made peace with the Americans.

In 1785 his heart was light and his disappointments were concealed in the glamorous mist of the future. Flattered by the consideration with which the Spanish officials treated him and heartened by the supply of munitions that Panton had brought to Pensacola, he gave a cold reception to the peace overtures of the commissioners of Congress in the fall of 1785. The commissioners

[53] AI, PC, l. 197, McGillivray to O'Neill, February 5, 1784.

refused to treat with the handful of Indians who met them; but the less scrupulous Georgia officials eagerly concluded with them the so-called "treaty" of Galphinton, whereby the Creek confirmed the cession of 1783 to Georgia and another grievance against Georgia was furnished McGillivray and the bulk of the tribe.[54]

Calling his warriors together in March, 1786, after the winter hunt was over, the half-breed stirred up their ready belligerency, and early in April set them on the frontiersmen of Georgia, Cumberland and the infant colony at Muscle Shoals. Remaining safely at home, as was his custom, he entrusted the actual command to various chiefs, one of whom bore the promising name of the Mad Dog of Tuckabatchee.

Only when it was too late for them to interfere did he inform the Spanish officials of what he had done. Alleging American aggression and declaring that his measures were purely defensive, he demanded the aid vaguely promised by Spain in the treaty of Pensacola.[55] All three of the Spanish officials to whom he appealed gave the required aid. Zéspedes at St. Augustine referred the matter to his superiors, but pending their reply he assured McGillivray that he would continue as heretofore to supply the Creek with munitions "for hunting," and declared that in view of the "flagrant injustice committed by the State of Georgia . . . . the Creek nation's determination to take up arms . . . . appears not only justifiable but praiseworthy."[56] O'Neill was even more ready with his aid, for, without awaiting instructions from his superiors, he supplied the Creek with some powder and ball that were left over from the congress of 1784, in order, as he said, to "alleviate the necessities" of the "poor savages," and as a reward for the devotion they had always professed to Spain.[57] Miró, who was O'Neill's superior but had no authority over Zéspedes, proceeded with more circumspection. On April 20 he wrote O'Neill a confidential letter, urging him to bring McGillivray to New Orleans, or at least to Pensacola, for a conference, in the hope of suspending hostilities while Gardoqui

[54] ASP, IA, l. 49; see also reference cited in my *Spanish-American Frontier*, note 4 to Ch. IV. McGillivray reported this affair to O'Neill, November 8, 1785 (AI, PC, l. 37, copy), and to Zéspedes, December 10, 1785 (*ib.*, l. 2352, Spanish translation).

[55] AI, PC, l. 2352, McGillivray to O'Neill, March 8, 1786, Spanish translation; *ib.*, McGillivray to Miró, May 1, 1786; *ib.*, l. 4, Miró to O'Neill, April 20, 1786; and references in the following note.

[56] AI, 86-6-15, Zéspedes to Sonora, May 25, 1786, No. 5 *res.*, enclosing Spanish translation of McGillivray to the Governor of St. Augustine, April 25, 1786, and copy in Spanish of Zéspedes reply to McGillivray, May 22, 1786.

[57] AI, PC, l. 2352, O'Neill to Count Gálvez, May 4, 1786, No. 14.

negotiated with Congress on behalf of the Creek; but, he added, if the Creek insisted on fighting they must be supplied with munitions. He urged upon O'Neill the necessity for absolute secrecy (a consideration that never seemed to occur to Zéspedes), and directed him not to commit himself to paper under any circumstances in his communications with McGillivray.[58]

In consequence of this invitation McGillivray visited New Orleans in June, 1786.[59] After conferring with him, Miró wrote O'Neill another letter of instructions.[60] In this letter he directed the commandant to place at McGillivray's disposal a supplementary allotment of five thousand pounds of powder and the proportionate quantity (i. e., 10,000 pounds) of balls. Of this supply, one-half was to be made available immediately, and was to be delivered with every precaution of secrecy, at the rate of two horseloads a week, to small bodies of Indians presenting a written order from McGillivray. O'Neill was given the discretionary power to make these deliveries through Panton, in order to give them the appearance of ordinary commercial transactions. O'Neill adopted the suggestion, and Panton became the intermediary for distributing among the Indians free munitions from the royal stores for the prosecution of a war fought in the interests of his own house;[61] for while this war was designed to protect the Indian hunting grounds, it was also designed to expel the Georgians who were competing with Panton for the Creek trade.[62]

Never was McGillivray happier than in the years 1786 and 1787. His Spanish allies showered munitions upon him in profusion.[63] His warriors ravaged the frontiers of Georgia, destroyed the infant colony at Muscle Shoals, and so harried the thin line of stations on Cumberland River that he reported, in apparent good faith, that they had been broken up and that the terror stricken inhabitants had fled back across the mountains to Franklin or northward

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[58] AI, PC, l. 4, Miró to O'Neill, April 20, 1786, *res.*

[59] *Ib.*, l. 37, O'Neill to Miró, May 23, 1786; *ib.*, l. 2352, McGillivray to Carlos Howard, August 3, 1786, Spanish translation.

[60] *Ib.*, l. 4, Miró to O'Neill, June 20, 1786, *muy res.*

[61] *Ib.*, l. 37, O'Neill to Miró, Pensacola, July 21, 1786; *ib.*, l. 4, Miró to O'Neill, August 14, 1787, *res.*

[62] Whitaker, *Spanish-American Frontier*, 61.

[63] Between June 20, 1786, and October 19, 1787, a total of 7200 pounds of powder, 150 guns, several thousand pounds of balls and several hundred flints was issued to the Creek through Pensacola as a gift from the Spanish government for use in their war with the American frontiersmen. This does not include the initial supply given them by O'Neill in May, 1786, or the supplies granted them by Zéspedes at St. Augustine and Folch at Mobile. This information is derived from the following letters: AI, PC, l. 37, O'Neill to Count Gálvez, September 24, 1786, No. 20; *ib.*, O'Neill to Miró, October 19, 1787, *res.*; *ib.*, l. 4, Miró to O'Neill, May 4, 1787; *ib.*, same to same, July 16, 1787; *ib.*, 86-6-16, Miró to Sonora, June 1, 1787, No. 11, *res.*

beyond the Ohio River.[64] His report was not far from the truth, for the Cumberland frontiersmen wearied the ears of the North Carolina Assembly with their plaintive appeals for succor. Two of their representatives, recording the murder of forty-one of the settlers by the Indians in the year 1787 and the total stoppage of trade and immigration, warned the assembly that the settlement would be deserted unless some relief could be found from the savage onslaughts.[65]

Through all this carnage there glows with a steady light the devotion of McGillivray to his interests and those of his associates in the fur trade. It is one of the ironies of history that in 1787 he and Panton were relieved of French competition at Muscle Shoals[66] by the American frontiersmen themselves. An expedition from Cumberland fell on the French post in the belief that McGillivray was in charge of it, and at first it was actually reported that the half-breed was among the slain.[67] McGillivray, fearing that the Americans might take advantage of their victory to establish a post of their own at the Shoals, sent a party of about five hundred warriors to ravage Cumberland.[68] Another service that he rendered Panton's company was the murder of William Davenport.[69] This man had been sent out by Georgia in 1785 as one of the commissioners to organize Bourbon County and to regain the Indian trade for Augusta, and after his expulsion from Natchez by the Spaniards he had gone to the Chickasaw country. Resenting his presence there, McGillivray sent out a party in 1787 to get his scalp, and, when they returned with it, boasted of their bravery in murdering the Georgian in the midst of his friends. Miró remonstrated with McGillivray, but to O'Neill he wrote that Davenport's

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[64] AI, PC, l. 202, McGillivray to O'Neill, April 4, 1787; *ib.*, l. 200, McGillivray to Miró, October 4, 1787 (the edges of this letter are trimmed and the date is missing, but a Spanish translation of it in l. 2352 supplies the date).

[65] *State Records of North Carolina*, XXI, 437-38, Robertson and Bledsoe to Governor Johnston, January. 4, 1788.

[66] In March, 1787, one of Panton's traders in the Upper Creek country complained to him that "the French have come within sixty miles or a days ride of my house and have settled themselves and as they sell goods much lower than it is in our power to do, they have deprived us of most of the skins which we expected to get from the Indians this season . . . ." (AI, PC, l. 37, Panton to O'Neill, March 15, 1787, and enclosure.) These French traders were probably from the Illinois. See references to André Fagot in Miss. Val. Hist. Rev., XII, 168, 169 and notes, and 409-12.

[67] *Gazette of the State of Georgia* (newspaper in Georgia Hist. Soc.), September 27, 1787, communication from Nashville. The "Coldwater expedition" is the name given to this foray.

[68] AI, PC, l. 200, McGillivray to Miró, July 25, 1787; *ib.*, McGillivray to O'Neill, July 10, 1787.

[69] *Ib;* another report of the murder is in *ib.*, Ben James to Messrs. Mather and Strother, July 23, 1787.

death "cannot fail to be very useful to us in keeping the Indians in our devotion."[70]

These achievements of his savage instruments McGillivray reported with obvious pride and pleasure to the Spaniards: they were evidences of his power. To the gratification of a sense of power was soon added that of a consciousness of prestige. In 1786 a man from Cumberland came to McGillivray begging peace and suggesting an intrigue with Spain;[71] in 1787 the commissioner of Congress visited him. In June, 1787, he reported the presence among the Creek of a delegation of Northern Indians, and added that another was expected in November. He might flatter himself that he was in a fair way not only to dominate the Southern Indians, but also to put himself at the head of a general confederation of all the Indians, both Northern and Southern, in a concerted effort to halt the advance of the American frontier,—such a plan as that of Tecumseh a generation later.[72] By 1789, land speculators, legislators and merchants throughout the South and Southwest were writing McGillivray to obtain his patronage for various schemes, and a newspaper at Charleston, where he had worked in a counting-house and read world history, published a letter referring to him as "the famous Alexander McGillivray."[73] The climax came in 1790, when, as we shall see, President Washington himself sent a revolutionary hero to invite him to a conference at New York.

VI.

Almost before his power was recognized, however, the foundations of it began to crumble. In May, 1787, just before McGillivray reported the notable visit of the Northern Indians, Miró wrote him a letter containing the significant phrase: "I wish you could make up matters with our neighbors the Americans . . . ."[74] As late as November of that year, the governor continued to direct or approve the delivery of further supplies of powder and ball to

[70] *Ib.*, l. 4, Miró to O'Neill, August 3, 1787. Material relating to William Davenport will be found in E. C. Burnett, ed., "Papers Relating to Bourbon County, Georgia," in Am. Hist. Rev., XV, 66 *et seq.*, especially note 207, p. 352.

[71] AI, PC, l. 2352, O'Neill to Count Gálvez, October 11, 1786, No. 23; but in a letter of October 8, 1786, McGillivray said merely that the man from Cumberland begged peace "upon any terms and conditions most agreeable to ourselves." (*Ib.*, l. 37, copy, enclosed in O'Neill to Count Gálvez, November 8, 1786, No. 26.)

[72] *Ib.*, l. 200, McGillivray to O'Neill, June 20, 1787.

[73] *The City Gazette, etc.*, (newspaper, Charleston, South Carolina, in New York Public Library), March 25, 1789, letter from St. Augustine dated January 12, 1789.

[74] AI, PC, l. 200, (Miró) to McGillivray, May (no day), 1787, Spanish draft and English translation.

the Creek; but he refused to give them guns for an attack on the frontiersmen, saying that, while Spain would support their defensive operations, she did not wish to encourage aggression on their part.[75] In December he wrote McGillivray advising him more urgently to negotiate with the Georgians and the United States. McGillivray pretended not to take the admonition seriously, for in his reply, written in January, 1788, he expressed the hope that Spain would "decide for giving us an ample support of the means to enable us to compleat fully what we have hitherto so successfully conducted."[76] However, a letter written to Governor Zéspedes at the same time shows, that he was genuinely alarmed at Miró's insistence on peace;[77] but it was only when he visited Pensacola in May, in answer to O'Neill's invitation, that he was fully convinced of the sincerity of Spain's pacific injunctions. No more munitions would be available, he was told, until he had made an honest effort to obtain a satisfactory peace with the Americans.[78] The Indians were still permitted to buy powder and ball from Panton in the ordinary course of trade, and assurance was given that Spain would protect them in case the Americans refused reasonable terms, but McGillivray felt that he had been deserted.[79] He was further irritated by the increasing disposition of Spain to welcome American immigrants to West Florida[80] and by the accusation, levelled at him by the commandant of Mobile, that he was responsible for an Indian attack on the Tombigbee settlers.[81]

From the wrathful tone in which McGillivray later spoke of this stoppage of munitions, there can be little doubt that he left Pensacola in a rage. At first, however, he dissimulated, for at that moment Spain seemed his only support in his conflict with the Georgians. On June 12, 1788, after his return to his plantation, he wrote Miró a very politic letter. Requesting a copy of the royal order expressing His Majesty's intention of protecting the Creek nation, he slyly insinuated that Creek discontent with the

[75] *Ib.*, 86-6-16, Miró to Sonora, March 24, 1787, No. 7 *res.*

[76] *Ib.*, PC, l. 201, McGillivray to Miró, January 10, 1788.

[77] *Ib.*, 86-6-17, McGillivray to Zéspedes. Spanish translation, enclosed in Zéspedes to Valdés, March 24, 1788, No. 7 *res.*; in *ib.*, PC, l. 201, there is a copy of a letter dated February 15, 1788, purporting to have been written by McGillivray in which there are obvious references to the Spaniards as "those damd wasps" and "these people who are saddling us."

[78] Cuban Transcripts (in the Library of the State Historical Society of Wisconsin), l. 1, exp. 5, No. 27, Panton to Carondelet, April 16, 1792: an interesting letter reviewing this situation.

[79] AI, PC, l. 204, McGillivray to (Miró), February 1, 1789.

[80] Letter cited in following note.

[81] AI, PC, l. 199, McGillivray to O'Neill, March 5, 1788.

state of their trade under Spanish restrictions might lead them to accept the insistent offers of American merchants.[82]

Then the adventurer William Augustus Bowles[83] appeared on the scene, with a promise of abundant munitions from British merchants in the Bahamas. A defiant note began to sound through McGillivray's letters to the Spaniards. On June 22 he wrote O'Neill[84] that he was about to go to the Lower Creek towns, where there were reports of the arrival of a "stranger,"—meaning Bowles, no doubt. By the middle of July, McGillivray was back in Little Tallassie. Bowles had offered him a supply of munitions, and he had accepted the offer.[85] On July 14 he warned O'Neill that the war with Georgia was about to be renewed, and that "we must have recourse to every means that shall offer us a chance of defending ourselves . . . ."[86] On August 28 he wrote Miró cataloguing his grievances against Spain, remarking caustically that his own negotiations with the Americans had proved the futility of Gardoqui's vaunted intervention with Congress on behalf of the Indians, and resigning his commission as Spanish agent among the Creek.[87] On September 20 he followed this up with a letter to the governor that is the most defiant communication ever addressed by him to a Spanish official.[88]

Miró was alarmed at this turn of events, for he had had no thought of alienating the useful half-breed. Replying in a conciliatory tone, he sent the desired copy of the royal order expressing His Majesty's intention of protecting the Creek agrainst aggression and told McGillivray to use it in his negotiation with the Americans.[89] He also wrote the captain-general expressing some sympathy for McGillivray and advising that the Spanish magazines be reopened to the Creek.[90] When the captain-general gave the

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[82] *Ib.*, l. 177, McGillivray to Miró, June 12, 1788.

[83] A bibliographical note on Bowles will be found in C. M. Brevard, *History of Florida*, I, 23, note 21. An article on Bowles by the present writer will appear in the Dictionary of American Biography.

[84] AI, PC, l. 201, McGillivray to O'Neill, June 22, 1788.

[85] In the letter cited in note 1, this page, McGillivray admitted having accepted Bowles' offer of "a supply of arms and ammunition." In September, 1788, McGillivray wrote Panton: "If the Grand Turk, or any other power, chooses to make me a present, provided they are not at war with Spain, they [the Spaniards] cannot be reasonably offended with me for accepting it." (Pickett, 386.)

[86] AI, PC, l. 201, McGillivray to O'Neill, July 14, 1788, copy.

[87] *Ib.*, l. 1394, McGillivray to Miró, August 28, 1788, Spanish translation, enclosed in Miró to Ezpeleta, September 17, 1788, No. 9, *res.*

[88] AI, 86-6-17, copy, enclosed in Ezpeleta to Valdés, November 29, 1788, No. 47.

[89] Miró omitted from McGillivray's copy a phrase in the order relating to the supplying of McGillivray with guns from the royal stores: *ib.*, 86-6-8, Miró to Valdés, July 13, 1788, No. 22 *res.*

[90] *Ib.*, PC, l. 1394, Miró to Ezpeleta, September 16, 1788.

necessary authorization,[91] Miró hastened to report the glad tidings to McGillivray in a letter dated December 13, 1788.[92]

With the receipt of this letter by McGillivray, the worst of the crisis was over, for Bowles had not produced as large a supply of munitions as he had promised. The half-breed replied on February 1, 1789, that he found the captain-general's instructions "in every respect highly satisfactory," and declared that "no endeavors of mine shall be wanting" to "re-establish a good harmony on the the strongest basis."[93] Nor was he slow to test the genuineness of the Spaniards' generous promises, for in this same letter he called on Miró for at least 1200 good Indian guns of English make, 6000 pounds of powder, and other supplies, to be delivered by April 20, in order as he said, that "our numerous warriors" might be "ready for the events of next Spring."

This Bowles-McGillivray affair was packed full of high explosives, and it might conceivably have blown the Spaniards out of the Floridas and Louisiana. Whatever Bowles' instigators in the Bahamas may have intended, Bowles himself apparently had in mind a more ambitious scheme than a mere fight for control of the Southern fur trade, and he seems to have been at work on such a plan for the conquest of these Spanish provinces as he elaborated in his letters to Lord Grenville two years later.[94] Furthermore, the American frontiersmen at Cumberland, who in April, 1788, had assured McGillivray that they would become subjects of Spain if only he would call off his warriors, wrote him in July hinting broadly that they would welcome a chance to join in an assault on the Spanish posts.[95] There is good reason for believing that their change of front was due to the arrival of Bowles.[96] However that may be, the situation was for a time a very dangerous one for Spain, and it bears some striking resemblances to Blount's conspiracy of 1797 and Aaron Burr's later and more famous plot.[97]

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[91] *Ib.*, 86-6-17, Ezpeleta to Miró, October 24, 1788, copy, enclosed in Ezpeleta to Valdés, November 29, 1788, No. 47.

[92] *Ib.*, l. 201, (Miró) to McGillivray, December 13, 1788, draft in Spanish, and first four pages of English translation.

[93] *Ib.*, l. 204, McGillivray to (Miró), February 1, 1789.

[94] Am. Hist. Rev., VII, 728-33.

[95] Miss. Val. Hist. Rev., XII, 165-68.

[96] *Ib.* It is a curious fact that just on the eve of the Bowles episode, two of the Spanish officials in closest touch with the Indians (O'Neill of Pensacola and Zéspedes of St. Augustine) warned their government that McGillivray might join with British adventurers or even with the British government and with the American frontiersmen in an attack on Louisiana and the Floridas: AI, PC, l. 177, O'Neill to Miró, June 4, 1788; *ib.*, 86-6-17, Zéspedes to Valdés, March 24, 1788, No. 8 *res.*, with four enclosures.

[97] *Ib.*, l. 1446, Spanish translation of the second declaration of William Cunningham, enclosed in Carondelet to Casas, April 4, 1792, No. 18 *res.*

The affair is also enlightening because it shows the wide gulf of temperament and interest that separated McGillivray and Panton. The interests of the latter lay in the preservation of his monopoly of the Creek trade, and in the maintenance of amicable relations with the sovereign of the Floridas. McGillivray, on the other hand, had political designs and personal ambitions that did not harmonize with Spanish policy or with Panton's interests. Seeking to establish an independent Creek nation and to form an Indian confederation under his own leadership, he cared not how his people were supplied with European goods, so long as they had guns and ammunition to slay the Americans and hunting knives to scalp them. In temperament also the Scotchman and the half-breed were utterly different. Panton possessed the patience and far-sightedness that enabled him to put up with the vagaries of the Spanish government, and in the Bowles episode he played the part of peacemaker between McGillivray and the Spaniards. The neurotic half-breed, on the other hand, imagined betrayal where the Spaniards intended only caution, intrigued with Bowles against his recent benefactors, and finally got his revenge for the "desertion" of 1788 by betraying the Spaniards at New York in 1790.

The worst of the crisis, as we have said, was over, and McGillivray sent Bowles to seek adventure in other fields; but he still had several grievances against his Spanish allies. The promised supply of munitions was not made available quickly enough to suit him; onerous duties were still imposed on his and Panton's trade; and Spain still continued to welcome American frontiersmen to West Florida and Louisiana. In this latter connection, he wrote Miró: "I shall not trouble you with my political predictions, but it does not require any extraordinary powers to foresee what they [the American immigrants] aim at and what will happen sooner or later."[98] So dissatisfied was he with Spanish policy that on May 26, 1789, he wrote the governor: ". . . . Tho extremely reluctant to the measure I deem a peace with the Americans absolutely necessary for this Nation under our present circumstances. I go not to dictate the conditions of peace as was always my desire, but to submit to and receive their impositions."[99] Again

[98] AI, PC, l. 202, McGillivray to Miró, June 9, 1789.
[99] *Ib.*, l. 52, McGillivray to Miró, May 26, 1789.

timely concessions in the matter of munitions and trade coaxed him back into a good humor; but his petulance and instability boded ill for his Spanish friends. How, yielding with a graceful "nolo episcopari" to the insistence of his Spanish friends upon the conclusion of peace with the Americans, he went to New York and accepted the republicans bounty will appear in the next paper.

DEBATE ON THE FISHER RESOLUTIONS

By A. R. Newsome

[*Continued from the January issue.*]

Mr. Stanly[77] said, before he offered his views of the subject before the House, he would notice the concluding observation of the Gentleman from Fayetteville, (Mr. Strange) who last addressed them. Some weeks ago, said Mr. S. when a member had referred us to the example or to the opinions of Virginia, he (Mr. S.) had advanced the opinion that our political dependence, as well as our commercial connexion with Virginia, were disadvantageous to us, that she exercised an influence over us injurious to our best interests; that her political course was often one of error and passion rather than of deliberation and wisdom; repeatedly marked by opposition to the wisest measures of the federal government, and by hostility to the best measures of the great men whom it was her greatest honor to have produced. From her systematic attack upon our navy and army,[78] to her recent opposition to the Supreme Judicial Power of the Union,[79] there was much in her example to excite apprehension, and little worthy of imitation. This remark then elicited by the excitement of the moment, has been several times referred to by gentlemen, and was again, in a discussion in which Virginia has not been mentioned or alluded to, forced upon our recollection by the gentleman from Fayetteville. The gentleman informs us he is a Virginian, that her soil covers the ashes of his parents, that he can but retain affection for her. Far be it from me, said Mr. S. to disapprove the virtue of filial piety, or to censure a reverence for the fifth commandment, the injunction of which, to "honor thy father and thy mother that thy days may be long in the land of the living," was to his feelings full as impressive and imperative, as what the gentleman doubtless considered the more elegant language of the Scotch poet, whom he had quoted. But, sir, the gentleman has not controverted my objections to the dominance of Virginia; he has not denied that that State assumes a right to lead North Carolina in her footsteps; that certain individuals of our State, distinguished themselves more for being puppets in the hands of Virginians than for any pre-eminence in

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[77] John Stanly, 1774-1837, was a prominent Federalist. He represented the Town of New Bern in the House of Commons, 1798, 1799, 1812, 1813, 1814, 1815, 1818, 1819, 1823, 1824, 1825, 1826, and was speaker in 1825 and 1826. He served two terms in the House of Representatives, 1801-1803, and 1809-1811. *North Carolina Manual, 1913,* pp. 467, 567-568, 916, 918; J. H. Wheeler, *Historical Sketches of North Carolina,* II, 112; Archibald Henderson's quotation of William Gaston's obituary of Stanly, in *News and Observer* (Raleigh), February 20, 1927.

[78] A favorite economy measure of the so-called Radicals was reduction of the army and navy.

[79] Chief Justice Roane of Virginia in a series of newspaper articles challenged the nationalistic reasoning contained in the recent decisions of the Supreme Court of the United States. Chief Justice Marshall in Cohens *vs* Virginia overturned a decision of Roane on the ground that the Supreme Court had appellate jurisdiction in a case decided by a state court where the constitution and laws of the United States were involved, even if a state was a party. The Virginia House of Delegates asserted that the Supreme Court of the United States had no constitutional authority to examine and correct the judgment of the Virginia court. F. J. Turner, *Rise of the New West,* p. 301; *Niles' Register,* XX, 118.

talent or virtue, have by intrigue and management brought us almost to a condition of vassalage, and humbled the once proud and independent State of North-Carolina, to the lowly rank of a Colony of Virginia. She flourishes and towers as the oak, the monarch of the forest, while we have dwindled among the shrubs under her shade. And now, again, sir, forced upon this subject as I am, I repeat the opinion, that Virginia arrogates the right to dictate to us; that improperly, and through the agency of a few men, she does influence us. But, sir, to allay the feelings of the gentleman from Fayetteville,[80] I add, I never suspected *him,* though a Virginian, of having any influence over us.

Mr. Stanly said, the question before the House was one which deeply concerned the interest, the honor and the happiness of the people. It was no less than this, *is the right of Election of the President of the United States, worth preserving to the people themselves; or may it safely be resigned into the hands of a few?* Monarchies govern by force. Republics are founded on the belief, that man is equal to self-government. The right of election, therefore, by the people, is the very essence of a Republic—it is the rock on which alone a Republic can be established. Whatever we may think we possess, whatever in theory we may claim, if the right of election by the people of the country, be not free and universal, it is mere delusion to call ourselves Republicans—we possess but the name of liberty. No one dares deny these principles: yet there are many who, while with their lips they assent to these gospel truths, in their practice controvert them. The support of a Congressional Caucus for the nomination of a President of the United States, is an instance of this difference between profession and practice. The practice of a Congressional Caucus to nominate a President of the United States, in effect, takes from the people a right which is safe in their hands, and places it in hands where it can be most easily abused. It takes the power from those to whom the Constitution gives it, and transfers it to those to whom the Constitution positively denies it; under the sanction of a Caucus, a few men filch from the people the election of President, and fraudulently exercise it themselves. It breaks down the bulwarks by which the Constitution intended to secure the election of President against vice or ambition, and opens every door to corruption and intrigue. The Resolutions before us, are intended to give one blow at the root of this system of iniquity—they merit therefore a serious consideration.

The office of President of these United States, said Mr. S. is one of vast importance. Such is the influence of that office as the Executive of our Federal Government, that upon his ability and virtue must at all times greatly depend, not only our prosperity and honor, but as he can greatly influence the question of War or Peace, the happiness and prosperity of every part of the world, may be affected by his dispositions. Foreign nations, therefore, cannot be indifferent in the election of our

[80] Robert Strange.

President. Such is his agency in our affairs and such must be our influence on the affairs of other nations. Of such magnitude are the powers of the President, that many virtuous men who opposed the adoption of the Federal Constitution, called him a Monarch in disguise, and believed that they saw "the diadem sparkling on his brow, and the imperial purple flowing in his train." To create the head of an empire, to invest him with necessary authority, and yet impose necessary restraints, were objects of the greatest solicitude to the framers of the Constitution. It is known that their anxiety on this point was equal to its difficulty and importance. Their reliance for safety against his power was finally placed on the guards which they had fixed as security to the purity of his election. It is known, sir, said Mr. S. that when the Constitution was signed, the work was not finished. The Constitution recommended by the Convention was yet to be adopted by the States separately. In every State there was opposition to it. To explain the necessity and the objects of the proposed Constitution, to remove objections and to recommend it to the people, an important task was assumed by three of the most distinguished members of the Convention, Alexander Hamilton, John Jay and James Madison. The letters written in concert by these gentlemen under the signature of PUBLIUS, are collected and form the volume entitled the FEDERALIST. If there was an individual in the House unacquainted with this work and its character, to him Mr. S. said, he would say, that in Legislatures it was respected for the clear light which it poured on the science of Government: in Courts of Justice it was regarded as a text book on all questions of construction of the Constitution of the United States: to this work legislators, jurists and statesmen with confidence appeal as to a manual of duty. I intend to read to the House, a part of the 68th number of the Federalist, in relation to the subject now before us—the mode of appointing the President. This number is from the pen of Mr. Hamilton—need I add, the friend of Washington, the companion who shared his revolutionary toils—the disciple whom he loved, and who leaned upon his bosom!—He regretted that time would compel him to read but a part of the number. Mr. S. here read the following extracts from the Federalist:[81] "It was desirable that *the sense of the people* should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, *not to any pre-established body,* but to men, *chosen by the people for the special purpose,* and at the *particular conjuncture.*—Nothing was more to be desired, than that every practicable obstacle should be opposed to *cabal, intrigue and corruption.* These most deadly adversaries of Republican Government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the *desire in Foreign powers* to gain an improper ascendant in our councils. How could they better

[81] The italics are Stanly's.

gratify this than by raising a creature of their own to the Chief-Magistracy of the Union? But the Convention have guarded against all danger of this sort, with the most provident and judicious attention. They have not made the appointment of President to depend *on pre-existing bodies* of men, *who might be tampered with before hand to prostitute their votes;* but they have referred it in the *first instance* to an immediate act of *the people of America,* to be exerted in the choice of persons, for the temporary and sole purpose of making the appointment. And they have excluded from eligibility to this trust, all those who from *situation* might be suspected of too great devotion to the President in office. *No Senator, Representative,* or other person *holding a place of trust or profit* under the United States, *can be of the number of Electors.* Thus, without corrupting *the body of the people,* the immediate agents in the election will at least enter upon the task free from any sinster bias. Their transient existence, and their detached situation, already noticed, afford a satisfactory prospect of their continuing so, to the conclusion of it. The business of corruption, when it is to embrace so considerable a number of men requires time as well as means. Nor would it be found easy, suddenly to embark them, dispersed as they would be, over thirteen States, in any combinations founded on motives, which, though they could not properly be denominated corrupt, might yet be of a nature to mislead them from their duty. Another, and no less important desideratum was, that the executive should be independent for his continuance in office, on all, *but the people themselves.* He might otherwise be tempted to sacrifice his duty to his complaisance for those whose favor was necessary to the duration of his official consequence. This advantage will also be secured, by making his re-election to depend on a special body of Representatives, *deputed by the society for the single purpose* of making the important choice."

The Constitution of the United States provides, article 2d, "No Senator, or Representative, or person holding any office of [trust or] profit under the United States shall be appointed an Elector." This provision admits of no doubt—the *exclusion* of members of Congress from the trust of elector is positive, unconditional and unequivocal—they *shall not* be appointed electors. The object of their exclusion is declared in what has just been read. As clearly declared as if written with a sunbeam, and as wisely recommended as if in the language of inspiration. They shall not be electors, because they are not elected *for that special purpose:* nor at the *particular conjuncture,* but for purposes of legislation and for terms of two and six years service—because being a *pre-existing body,* they are subjects of *cabal, intrigue* and *corruption*—because being a pre-existing body, ample opportunity is given to *"foreign powers"* to corrupt them and gain an improper ascendant in our councils—because their *"situation"* subjects them to the suspicion of "too great devotion to the President in office;" and because *"the sense of the*

people in the first instance," should operate in the choice of President, who should be independent for his office on all but *"the People themselves"*—So that "without corrupting the whole body of the people," improper influence could not be effectually exerted. So important were these provisions considered, that the same number of the Federalist informs us, that this mode of electing the President was almost the only feature of the Constitution which escaped severe censure, or which received the approbation of its opponents.

All this wise caution of the Constitution was rejected, the letter and spirit of the Constitution violated by the midnight operations of a Congressional Caucus, which Mr. S. said he should shew, virtually, and in effect, placed the election of President in the hands of the members of Congress, and took it from the people. Let us not be told, that there is no danger in this departure from the Constitution; that we are secured from corruption by the character of our Congressmen. They may be all "honorable men," but the framers of our Constitution, with the experience of ages before them, forbid us to trust them. We know what man has been, and we are thence to judge what he will be; and, Sir, when in the early history of our Republic, in its very infancy, we read of the treachery of Silas Deane,[82] the treason of Arnold,[83] and of Burr,[84] the suspicion which dismissed Randolph[85] from office, and the Yazoo speculation which involved the corruption of a whole legislature,[86] common sense commands us to "lay not the flattering unction to our souls," but, as statesmen, to reject the pernicious charity which considers all men as honest.

The Resolutions now submitted to our consideration, express disapprobation of a Congressional Caucus, to nominate a President.

To quiet our fears, to sooth our opposition to the Caucus, we are told, said Mr. S. by some gentlemen, that the Caucus will be harmless, since it merely *recommends* a President to the people—by others, that it will *prevent electioneering*—that it is to *produce union*—and by all, that it is to prevent an election of President *by the House of Representatives,*

[82] Silas Deane, 1737-1789, of Connecticut, was sent by the Continental Congress in 1776 as a secret agent to France. Later in the same year, he, Franklin and Lee were selected as commissioners. Lee, without proper evidence, intimated to members of Congress that Deane was profiting personally in securing supplies for the United States. Deane was recalled and was unable to clear his reputation because the necessary accounts and records were in France. He spent his last years in Holland and England. J. T. Morse, Jr., *Benjamin Franklin,* pp. 217, *passim; Biographical Congressional Directory,* p. 598.

[83] Benedict Arnold, who sought to deliver the American cause to the British in 1780. C. H. Van Tyne, *The American Revolution,* pp. 306-308.

[84] Aaron Burr, vice president in Jefferson's first administration, had intrigued with the Federalists, some of whom were bent on disunion. In 1805-1807, he was involved with the English minister, the agents of Spain, and western leaders in connection with his famous Western Expedition. E. Channing, *The Jeffersonian System,* pp. 155-168.

[85] Edmund J. Randolph of Virginia, Secretary of State, 1794-1795, was the only Republican in Washington's cabinet in 1795. His resignation came when Washington confronted him with a compromising dispatch of the French minister Fauchet which had been captured by the British. Randolph was indiscreet in his Republican attachment with the pro-French party in the United States. J. S. Bassett, *Federalist System,* pp. 131-133.

[86] The legislature of Georgia in 1789 sold lands in the Yazoo region to land companies. In 1795, the legislature sold some of the same land to other land companies; and it was discovered that the members who had voted for the act had been bribed. E. Channing, *The Jeffersonian System,* pp. 126-139.

voting by States. He would examine the solidity of the several grounds on which the Caucus is defended.

"It is a recommendation."—Why, Sir, is any recommendation necessary? What man here is prepared to say, that the people are unequal to the task of deciding for themselves? While we are flattered with the assurance that we are the most enlightened, the most virtuous and only free people on earth, are we in the same breath to be told, we are unfit to determine for ourselves the proper person to be our Chief Magistrate!—that we must listen and bow to the unasked advice, the gratuitous recommendation of—we know not whom! For Sir, by whom is this recommendation to be made? I answer, by persons who are strangers to us, and whose qualifications to advise, are utterly unknown to us. They are, however, we are told, members of Congress:—admit it, Sir, but their fitness for the high claim to decide the choice of President, is not thereby established. The duties of members of Congress are highly important, and require rare virtue and talents: but into that station, as into every other, merit, virtues and talents are not the indispensible passport. If the Caucus nomination were to come from the Representatives of this State alone, (which is not, however, the fact,) what member on this floor, knows them all! For myself, I cannot claim that honor. Who here can vouch that their qualifications to decide are superior to those of the Sixty thousand voters of our State! In what walk of life, in what profession, from the proud range of science to the humblest occupation of labor, where have these gentlemen established their pre-eminence? In times of danger and calamity (it has been observed,) the people call into their service the first virtues and the best talents: but in times of peace, when no alarms excite attention, the love of country sleeps, an ambition of a lower grade than that of patriotism calls candidates from retirement, and brandy and barbacues, and Cross-road harangues, have a controlling influence.[87] We should know the gentlemen from this State who will attend a Caucus better than we do, before we surrender our right of election into their hands. But Sir, this recommendation may not come from our Representatives. As I understand a Caucus, its very foundation, its vital principle is an agreement that the minority in Caucus shall not only yield to the majority while in Caucus, but they are pledged to sacrifice their own choice, and thenceforth support the man chosen by the majority of the Caucus. The whole number of members of Congress is 260,[88] a majority of these, say 131, constitute a Caucus. In this Caucus, three States, viz. Pennsylvania giving 28

[87] An illustration of the influence of electioneering occurred in the congressional contest between Alfred M. Gatlin and Lemuel Sawyer of the Edenton district in the election of August 14, 1823. James Norcom of Edenton related the facts in a letter to his son: "I have been closely engaged for the last fortnight electioneering for our friend Gatlin whom I have succeeded in electing against Sawyer by a majority of 268 votes in our district. I made Chowan give him 400 out of 480 votes, which is the greatest majority Chowan has even given to any Congressional candidate when there has been an opposition. On the day of Election I fed and refreshed 250 persons in my own house and thereby secured to our friend the decisive and casting vote, which our County gave, to its immortal honour and praise, be it spoken! !" James Norcom to John Norcom, Edenton, August 19, 1823. Norcom MSS. North Carolina Historical Commission.

[88] The total number of members of Congress was 261.

votes, New York giving 36 votes and Delaware giving 3 votes, making together, 67 votes, make a majority—and these three States may give the vote of the Caucus. Our representatives who go into Caucus in favor of one man, ruled by the vote of the Caucus, surrender their own opinions, and come out pledged to recommend and support another! And this recommendation, to which we are to surrender our right of election, may come to us, not even as the voice of those of whom we know something, however little, but may be the dictate of the Representatives of three States differing from us in interests, entire strangers to us, and of whose integrity and understanding we are perfectly ignorant. How little of prudence is there in being pledged to submit to the opinion of a body thus organized. How little of Republicanism to yield our choice to any set of men.

That a Caucus recommendation would "prevent electioneering," is certainly true—Electioneering, a meeting with the people in large or small numbers, and discussing with them the merits or demerits of candidates for their favor, explaining the bearings of particular measures upon their interests, thereby to excite their examination and enlighten their judgments on subjects upon which they are to act, manifests a respectful deference to the poeple, and treats them as men capable of judging for themselves. Upon no subject of earthly concern, can a people be addressed with more propriety than upon the choice of a President; and why not upon this subject, as well as in regard to the every day topics of local and temporary interest? Yet the gentltman from Wake (Mr. Taylor) is in favor of a Caucus, because it will "prevent electioneering," a very candid acknowledgment of what I understand to be a plan to smother the voice of the people upon the election of President. Let gentlemen who approve this plan, tell the people so to their [f]aces, when they next electioneer with them for a seat in this House.

But the Caucus is to "produce union." Union of whom, and against whom? On some former occasions, when two great parties existed, each contending for power, and for different systems of policy, as well in regard to domestic as to foreign concerns, each party supported its separate candidate for the Presidency. At such times and under such circumstances, a Caucus of either party had the plausible excuse, that it was necessary to prevent a division of its strength, that the party should unite in the support of one candidate, in opposition to the candidate of the adverse party. The object and effect of such a Caucus was to induce some candidates to withdraw, leaving one only of the party in nomination. But at this time, no such excuse exists—there is no division of parties: the Federalists as a *party* no longer exist: most of them are satisfied with the present administration of the government and make no complaint, while others uniting themselves as members of the dominant party, with the new zeal of Renegadoes, unite in the outcry against

measures they themselves have supported, and rail at the designs of a "minority."

If there are at this time other candidates for the Presidency than republicans—if there is any federal candidate, I ask gentlemen to name them. Certainly sir, said Mr. S. there are still federalists in existence, as the gentleman from Fayetteville has thought it necessary to intimate —men who imbibed their principles of government from Washington—principles which will be cherished as his, until his name and his virtues shall cease to be revered. But these men are not united as a party in the support or opposition of any man or of any measures. And a reference to federalism, as requiring a caucus of republicans, is an uncandid pretence to give countenance to the caucus. I say, therefore, that the *union* desired to be effected by the caucus, is a union of *members of Congress in a conspiracy against the people*—to obtain for their *united* influence the highest reward, to advance their views of personal ambition, without regard to the public good. For himself, Mr. S. said, he was a federalist; he derived his opinions from the doctrines of Washington and Hamilton: never did principles of virtue and partriotism flow from a purer source! He had always avowed and maintained his principles, and approaching the close of an active life, he was proud to recollect, that he had never obtained popular favor (and he had had his share of it) by any disguise or concealment. He had lived to see the hostility to the prominent measures of federalism, the Constitution of the United States: the support of the navy, neutrality, commerce and unfettered friendship with all nations, become the favorites and the doctrines of all parties. He had approved and supported the administration of Mr. Monroe—but still, if heaven preserved to him his integrity and understanding, he should live and die a federalist. He offered as an apology for these remarks, the observation and allusions of the gentleman from Fayetteville.

One further observation about "Caucus union." Mr. S. said he was of the company in which Aaron Burr gave his celebrated toast, "an union of all honest men!"[89] The apparent liberality and patriotism of the sentiment obtained universal applause: but we were soon undeceived; the union he desired was a union of conspirators against the government and constitution of the country. He must be excused for not entertaining much respect for the union which a caucus was to produce—an union of individuals against the rights of the people. Burr's scheme was to be acted openly; our people saw the treason and put it down: but the schemes of a caucus, are hidden: they are planned to deceive us under the pretence of recommendation and union, and are more dangerous than Burr's.

The last reason urged in support of a Congressional Caucus, is, that it

[89] Wandell and Minnigerode, *Aaron Burr*, I, 237. Burr proposed the toast at a Federalist Washington's Birthday Banquet at Stell's Hotel, to which he was specially invited.

is necessary to prevent the election of a President going to the House of Representatives, where it must be made by the vote of States, in case no person voted for by the electors has a majority of the whole number of electors.

Mr. S said, he must be allowed to express his surprize at the objection now urged to this provision of the constitution. Not only was this principle contained in the constitution as adopted in 1789, but with a slight alteration, was submitted to the States and adopted as a substitute for the original article as late as the year 1803. He here read the act of the General Assembly of 1803, ratifying as a substitute for the original article of the constitution, the amendment providing that "if no person voted for as President have a majority of the whole number of electors, then from the person having the highest numbers, *not exceeding three,* on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President; but in choosing the President, the votes shall be taken *by States,* the representation from each State *having one vote.*"

In examining the weight of this reason for a Caucus—the propriety and justice of the design by means of a Caucus to defeat this provision of the Constitution, it is necessary to advert to the nature of our Government. The Federal Government, we must remember, is a *Compound* Government, partly popular, the will of the people deciding agreeably to *numbers;* and partly Federal, the States deciding in their capacity of *Sovereign Members* of a Federal body. The election of President in the first instance is *popular;* the advantage is given to the large States; their number of votes in the electoral college, is in proportion to their number of people, and six States, giving 131 votes, uniting on the same person may elect the President. But if the election is not made by the people in the first instance, the choice is then thrown upon the House of Representatives, voting *by States,* where thirteen States, being a majority of the whole Union, though they may be the smallest states, and have together but 70 votes in the electoral college of 260, may yet elect the President. As the *six* large States, might elect the President by their electors, Mr. Stanly named, New York, entitled to 36 Electors; Pennsylvania, to 28; Virginia, to 24; North Carolina, to 15; Ohio, to 16; Kentucky, to 14.—Six States having 133 Electors, giving in the electoral college, 133 votes, a majority of the whole electors. As the 13 small States which might elect the president in the House of Representatives, voting by States, he named, Maine, having 9 Electors; New Hampshire, 8; Rhode Island, 4; Connecticut, 8; Vermont, 7; New Jersey, 8; Delaware, 3; Illinois, 3; Indiana, 5; Missouri, 3; Mississippi, 3; Alabama, 5; Louisiana, 5.—13 States—71 electors.

In the first case, the advantage is given to the large States, where six can out-vote eighteen.—In the last case, the advantage is given to the small States, thirteen of whom being a majority of twenty-four, elect

the President, though, in point of numbers, the thirteen contain little more than one-fifth of the whole population of the United States. But before we array ourselves in opposition to this course fixed in the Constitution, we ought to remember, that our union is a work of compromise, and our Constitution an instrument of concession and conciliation. Under this spirit of compromise and concession, the Southern States count three-fifths of their slaves in the census which entitles us to Representatives to Congress, and electors of President and Vice President, under which the Southern States gave as many electoral votes above those we were entitled to for our white population, as made Mr. Jefferson President of the U. States, and under which we now send as many representatives to Congress, as five small States are entitled to, more than we could claim from our white population alone. Under this compromise, the smaller States have as much weight in the Senate as the largest, and the smallest and weakest States, have their independence and safety guarantied by the strength and wealth of the whole. It is this spirit of concession and compromise that formed and must cement our Union. It is as gross a violation of honor and good faith to endeavor to deprive the small States of their constitutional right of election of President by equal votes in the House of Representatives, as it would be by Caucus or other indirect mode, to deprive them of their equal vote in the Senate, on all treaties, appointments, and acts of legislation. If we prize our Union, it does not become us to complain of the terms on which it was obtained, nor act the dishonest part of defrauding the weaker members of the Union of the right we have promised they should enjoy. The concessions of the Constitution are a cheap price for its inestimable worth.

But, Sir, said Mr. S. before we lend ourselves to defeat this provision of the Constitution, for an ultimate election of President by the States in the House of Representatives, let it be remembered, that the election by States even then is not uncontrolled—the States cannot elect whomsoever they please—their choice is confined to one of the THREE highest, presented by the votes of the Electoral College. And even in this case, the large States not agreeing upon the President, *nominate three persons* for the office, for which one is to be elected. Their choice therefore is at last but a ratification of the election made by a respectable portion of the people themselves. A word more on this point of debate:—There are persons in this State and in this House, who hold that the government is a mere union of States; what shall we think of the consistency of these gentlemen, who holding such opinion, yet support a caucus, to rob a portion of the States of their equal power, not only resulting to them, as equals in the compact, but secured to them in the constitution?

Mr. S. said, it had nearly escaped him that there was yet another ground on which a caucus nomination of President was defended—the

one advanced by the gentleman from Fayetteville[90] alone: "to prevent the election of De Witt Clinton." While the gentleman mentioned this among the advantages of the caucus, he thought it proper to say Mr. Clinton was a man "pre-eminent for talents." It would have interested many of us, had the gentleman informed us, why the election of a man thus pre-emiently gifted should be defeated—but the gentleman gave us no reason. Mr. S. said, it was due to Mr. Clinton to say, that his qualifications for the highest office in the gift of his country, were of the first order; and if it were not his misfortune to be a citizen of a State, torn, distracted, and governed by rancorous factions, his chance for the Presidency would not be inferior to that of any man presented to our choice on the present occasion.

Mr. S. said, that having examined the arguments urged upon us in vindication of a Congressional Caucus, he would now briefly turn to the other side of the account, and add some further observations the more clearly to expose the wickedness of this Caucus system.

By the fundamental law of a Caucus, the members strip themselves of all the obligations and responsibilities of their office of members of Congress—they are not bound by oath to act honestly in Caucus, nor are they liable to impeachment or punishment, for the corruption which may there govern them. Yet, though all the restraints which honor and good faith would prescribe are cast off, they assume fetters which common sense should disdain to wear; they bind themselves to one another, to recommend and to support for the Presidency, the man preferred by a majority in that Caucus, although the individual thus selected, may be unknown to them, or what is worse, may be the object of their distrust or dislike: and should the Caucus be composed of a bare majority of the Congress, of a small faction, the Caucus recommendation may be obtained, (as I have before shewn) by the votes of *three States only*. An admirable plan this to prevent an election by the votes of *thirteen States* in the House of Representatives! To avoid what they call the monstrous injustice of an election by thirteen States, they invent a plan by which, without any injustice, three States may decide the election!

The reasons for the exclusion of members of Congress from the office of Electors have already been explained—the danger of corrupt bargains between them and the President; and of improper influence from foreign powers. Their exclusion on ground of expediency is also strong. Members of Congress should be chosen with a regard to their ability as legislators, their knowledge of the foreign relations of the United States, and the influence which any measure of foreign or domestic policy may have on the general welfare; and on the interests of the particular section of the country which they represent. Convert them into *Electors* and these necessary qualifications are lost sight of. Instead of their capacity for legislation, their opinion on the Presidential Question, will become

[90] Robert Strange.

the subject of enquiry; those who agree with us on one point, may be most opposed to our interests and wishes on the other, and on one or the other questions we may be misrepresented.

But the labour of the Caucus is to produce only a "recommendation," and that from persons "acting merely as private citizens." Yet after making this declaration, as every advocate for the Caucus has made it, they see no inconsistency in acknowledging, that "the Caucus will have an influence, a bearing on the election:"—it will "prevent electioneering," (by deciding the election, I presume, and leaving nothing to electioneer about;)—"it will keep the election from the House of Representatives" —and "it will prevent the election of De Witt Clinton! !"—Sum all these acknowledged effects of the Caucus together, and I think it will amount to "an election of the President." But in this Caucus they meet as private men. Pity it is, sir, that this foul blot of a conspiracy to undermine and overturn the barriers erected by the people against fraud and corruption, should rest on members of Congress—but such is unfortunately the fact. Who are invited to attend the Caucus? Members of Congress only. Who are permitted to take seats and to vote? Members of Congress only. Why are not all citizens invited? Surely it is an uncandid evasion of the fact, to say they meet merely as private citizens.

Assuredly, sir, said Mr. S. I may hope for universal assent when I say, that no right of independence is more valuable than the right to elect our first Magistrate, and that no right more requires virtue and intelligence in its exercise. However favorably, we may think of our members of Congress, there is, there must be more wisdom, virtue and intelligence in the great body of the freemen of the country, than can possibly fall to the lot of any individual. The election of President is safest therefore, in the hands of the great body of the people. It is sure to be exercised by them with the purest views—with a more certain aim at the public good. Yet sir, it is the fact, all who hear me know it is the fact, that under the operation of this Caucus system, the great body of the people take no interest in the election of President. Witness your last elections, in which I verily believe not six thousand votes were given in the State, when the comparatively trifling State elections call sixty thousand freemen to the polls.[91] They do not attend, because they know the thing is already settled: Caucus management has usurped their rights; who the *President* shall be, has been settled by our *Congressmen* at Washington; who the Electors shall be, is settled here, by a Sub-Caucus of *Assemblymen!* The ardent love of his country, which once urged the freeman to investigate and weigh the qualifications of the candi-

[91] Asa Beall, in a speech in the House of Commons on November 28, had used the same figures in estimating the pouplar vote in state and presidential elections. *The Star*, January 23, 1824. Published returns of state elections are incomplete. A compilation from newspaper returns of the election of August, 1824, shows that in thirty-eight out of a total of sixty-three counties slightly more than 35,000 votes were cast. Sixty thousand is probably a close estimate. The original returns of the presidential election of 1820 show that in fifty-three of the sixty-two counties of the State there was a popular vote of only 3567. Legislative Papers, 1820. North Carolina Historical Commission MSS.

dates for his favor, is changed into a servile submission to the choice made for him by others: the generous warmth of independence under which he once pressed to the polls, now changed to apathy and indifference, he remains at home; and the few who witness the sickening effect of this Caucus, sitting like a night-mare upon our most valuable institutions, turn with disgust and abhorrence from the scene. Look, I say again, look at your last elections for the proof of these declarations. Such is the practical result of a Caucus—the surrender of the right of election to the hands of a few, and the debasement of the individual citizen and the disgrace of our institutions of liberty. To reverse this scene, abandon the Caucus interference; restore the election of President, where the wisdom of our fathers with the blessing of Heaven placed it, into the hands of the freemen of the State.—You elevate the national character, and dignify the individual citizen, by requiring him to reflect and to decide upon subjects deeply affecting the best interests of his country—the virtue of a free people will guarantee the correctness of their decision, and you preserve the splendor and purity of our Republican Government.

But, sir, said Mr. S. we are asked what right has the Legislature to interfere by offering our opinions upon this subject? He thought gentlemen might be satisfied of our right to interfere by a reference to their own arguments and to their own conduct on former occasions. As the grand inquest of the people of the State, as the guardians of their rights, as the watchmen placed by them on the walls to give the alarm of approaching danger, it is our right, our duty, freely to investigate and fearlessly to challenge the movements of any man or set of men, which in our opinion threaten our liberties, or impair our rights. Upon this foundation the legislatures of all the States, by resolutions and instructions, in almost every year, express their views on various subjects, committed by the Constitution to the control of Congress; and so firmly has the practice been established, that the legislature of this State, has on divers occasions exercised the right. The vote of censure on a former Senator,[92] the resolutions approbating the late war, and Mr. Madison's conduct in prosecuting it,[93] are prominent instances of such interference. The right of the States, thus to interfere, is supported by the highest authority. The

[92] David Stone, 1770-1818, of Bertie County, was a member of the House of Commons, 1790, 1791, 1792, 1793, 1794, 1811, 1812; judge of superior court, 1794-1798, 1806-1808; member of the House of Representatives, 1799-1800; governor, 1808-1810; United States Senator, 1801-1806; 1813-1814. The General Assembly of 1813 resolved that Stone had incurred its disapprobation by his opposition to the administration's war policy. Stone resigned his seat in the Senate, November 21, 1814. In the House and Senate journals of December 25, 1813, may be found the protest of forty-two members of the Senate and fourteen members of the House of Commons against the resolution censuring Stone. John Stanly presented the protest in the House of Commons. His name heads the list of protesters, among whom also was James Iredell. *North Carolina Manual, 1913*, pp. 418, 448, 500-502, 915-917; M. deL. Haywood, "David Stone," in S. A. Ashe, *Biographical History of North Carolina*, IV, 422.

[93] In December, 1815, the legislature resolved that the "the firmness, energy, and wisdom which have characterized the political conduct of the president of the United States during the late arduous contest of our country, and his prompt acceptance and ratification of an honorable treaty, entitle him to the gratitude and thanks of this legislature." Bedford Brown introduced the resolution; and John Stanly worked in vain for its postponement and then voted against its passage. *Journal of the House of Commons*, December 9, 14, 1815; *Journal of the Senate*, December 15, 1815.

letters of Publius to which I have before referred, give an assurance of safety to the people from the vigilance of the State Governments—who as *guardians* of the rights of the citizen will have their attention awake to the conduct of the national rulers—who on any thing improper appearing, will *sound the alarm to the people*—will be their voice, and if necessary the arm of their discontent. If the statesmen who wrote the Federalist are right, we may examine the measures of the Federal Government and sound the alarm, if we discover aught improper. But if the Caucus advocates are right, we shall not dare to whisper disapprobation of *their* unhallowed treason.

But the right of the legislature to interfere in this business, rests upon still firmer ground than usage and common understanding. By the 1st section of the 2d article of the Constitution, the trust of appointing Electors of President and Vice-President is given to the legislatures of the States. To regulate the election of Electors, even to make the choice by their own votes is, by the Constitution, the right of the State Legislatures; and when any set of men, call it Caucus or what you will, assemble together, step before us, the Legislature of the State, and virtually elect the President, leaving to us and to the people the humble duty of subscribing to what they have done; if it be not in our power to act in opposition to this conspiracy, it is at least very moderate presumption to go as far as the proposed resolutions; humbly to declare our disapprobation of the course proposed.

With a few observations he should be done with this part of the subject. In entering this building, said Mr. Stanly, we are gratified with a sight of the Statue of Washington, from the first sculptor of the world.[94] In this Hall, too, we have here before us the striking resemblance of his person from the first painter of the age.[95] For what purpose are these monuments thus placed? Does any one believe, as mere splendid gewgaws, to indulge our fondness for the fine arts, or to please the eye of the listless visitor? No, Sir. I fondly hope, said Mr. S. they are placed before us for far more exalted purposes. For an end in which States are proud to vie with each other. To recal[l] the recollection of the Father of his Country, the Statesman and the Hero; to express the deep interest we feel in his character, to awaken the best feelings of the heart, a grateful remembrance of his services and virtues, inspiring resolution to imitate his virtues, to emulate his fame, and to derive wisdom and virtue from his life.

Permit me, Sir, at this moment, when we may hope that the base

[94] In 1815, the legislature instructed the governor to purchase for the State a statue of Washington. The Italian sculptor Canova was employed at the price of $10,000; and the statue was shipped from Italy and set up in the rotunda of the State House in December, 1821. It was destroyed in the State House fire of 1831. R. D. W. Connor, *Canova's Statue of Washington*. (Publications of the North Carolina Historical Commission, Bulletin no. ix.)

[95] A full-length portrait of Washington, copied by Thomas Sully of Philadelphia from Gilbert Stuart's Washington in the Pennsylvania Academy of Fine Arts, was procured by the State in 1818 at a cost of $500 and hung in the House of Commons. The history of the negotiations for the portrait may be found in the manuscript collections of Governor's Papers and Letter Books from 1817 to 1820 in the North Carolina Historical Commission.

passions of party are suspended, to read, as applicable to the occasion, a part of Washington's FAREWELL ADDRESS:

"All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract or awe, the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of [a] party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration, the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils [counsels], and modified by mutual interests.

"However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines, which have lifted them to unjust dominion."[96]

It is Washington who thus counsels—though dead he yet speaketh! The dangers against which, as if by inspiration, he thus warned us, have arrived. The self-created Societies, or combinations, call them by what name you please, whether Jacobin Clubs in France, or Caucus in America, alike design to "direct and control" the election of President—to "organize a faction," to take the power from the hands of the people, to sell their own influence at the highest price. They are destructive of the liberty of the people and ought to be put down. If we pay any regard to the admonition of Washington—If his opinions are not to sink into contempt, as he has sunk into the grave, this Caucus system should receive the reprobation of every friend of his country.

But say the advocates of a Caucus, admitting the objections to a Caucus recommendation to be well founded, admitting the right of the Legislature to interfere, yet, say they, the Preamble to the Resolutions is improper—is sophistical. Is it candid, Sir, in gentlemen to say, they vote against the Resolutions, because they dislike the Preamble, when they well know, and are repeatedly told, the Preamble may be amended, and even stricken out, if they will withdraw the motion to *postpone indefinitely,* which they have made, and which motion, by the rule of the House, precludes amendment? Is there an honorable man on this floor, who can say to the people "I voted against the Resolutions, because I disapproved the Preamble," and not at the same time acknowledge, "yet the Preamble would have been amended, or stricken out, but I would

[96] Jared Sparks, ed., *The Writings of George Washington,* XII, 223.

not permit it!" As no attempt has been made to prove the Preamble sophistical or untrue, it would have been full as well not to have charged it with being so.

The names of the most conspicuous of the persons nominated for the Presidency have been introduced into this debate by several gentlemen who have preceded me. I may therefore be pardoned for glancing at them. And as I am still a free man—no office seeker, and never have and never shall either ask or desire any favor from great men, I shall express my opinion with freedom.

Mr. Crawford, it is said by his friends on this floor, is the best qualified of the candidates for the Presidency. The qualifications for this high office, are of such nature, they cannot easily be concealed. From what quarter the lustre of Mr. Crawford's merits thus shine, I am unable to discover. As a *politician* his course has been marked by twisting and turning; by the instability of a political weathercock. In 1798, he addressed John Adams, from Augusta, in terms of fulsome adulation at a period subsequent to the *commission* of the obnoxious of his federal sins. Upon removing soon after to a soil where republicanism (so called) most flourished,[97] Mr. Crawford is distinguished as an inveterate republican, and of course, denying to John Adams a single claim to merit or approbation. Subsequently, in Congress, at a crisis when the beam trembled; and it was doubtful, whether the measures of the Republican party would not sink them, Mr. Crawford acted with the Federalists in opposition to the embargo, non-intercourse, non-importation and embargo, and war, and in support of a national bank. This changing course might pass for independence, and might do Mr. Crawford credit, but his friends must call him the only truly Republican candidate, and think to delude the uninformed by this winning appellation, when in truth, so far from adhering to the Republican party in all cases, or at all times, he differed from them and acted with the Federal party, in the most critical times, and on the most important party questions.

In one point he has been consistent. He has always opposed (what he called that *Fungus*,) a Navy. To deny to Mr. Crawford, the credit of considerable ability would be unjust, but so far from meriting the first rank I should be disappointed greatly if there were not hundreds of men, in every State of the Union, his equals and many his superiors in talents. Where, I ask, do this gentleman's friends point us for the evidence of his superior powers? His speeches are of ordinary fabrick: his reports in the departments which he has filled, are the mere commonplace detail, which the chief Clerk of his office might, if in fact he does not prepare. It would be unjust, however, to withhold from Mr. Crawford, the credit to which his friends may think him entitled, for the

[97] Crawford was born in Virginia in 1772. In 1779 his family moved to Edgefield District, South Carolina, and in 1783 to Columbia County, Georgia. *Biographical Congressional Directory*, p. 577.

proposition seriously made by him in his report to the Senate of the United States, in March, 1816, on the subject of Indian Affairs. His project to intermarry them with our sons and daughters.—I will read a part of that report—"When every effort to introduce among them ideas of separate property, as well in things real as personal, shall fail, let *intermarriages between them and the whites be encouraged by the Government.* This cannot fail to *preserve the race,* with the modifications necessary to the enjoyment of civil liberty and social happiness. It is believed that the principles of humanity in this instance, are in harmonious concert with the true interests of the nation. It will redound more to the national honor, to incorporate, by a humane and benevolent policy, the nations [natives] of our forests in the great American family of freemen, than to receive with open arms, the fugitives of the old world, whether their flight has been the effect of their crimes or their virtues."[98]

Here, sir, we have a specimen of Mr. Crawford's talents as a statesman, and his sentiments and feelings as a man. He proposes that *Government* shall *encourage* this creation of a motley race, that shall change the descendants of white parents into *half-breeds*—for the valuable purpose of "preserving the race of savages!" And that too, he considers more honorable than receiving with open arms "the fugitives of the old world, whether their flight has been the effect of their crimes or their virtues." What exemplary conciliation and forgiveness, are manifested by the gentlemen not natives, but "fugitives" as Mr. Crawford calls them, who distinguish themselves in his support, and of whom there are some to be found even here!—When he shall be the President, and under his influence the Government shall encourage these savage intermarriages, how ample will be the reward of the zeal of his young friends, each of whom may aspire to the hand of an Indian wife, and a tract of land; and should they on trial dislike the bargain, they can sell the land, and the wife too. There are not wanting other serious objections to the election of Mr. Crawford. I allude to the charges affecting the integrity of Mr. Crawford, given to the world by Governor Clark of Georgia, under his proper signature,[99] and to the mysterious affair of the suppressed documents from his department, respecting the public money lost under his management by deposits in certain western banks.[100] Of the truth or falsehood of these charges I pretend not to have knowledge—but as Caesar repudiated his wife, without proof of her guilt, because the chas-

[98] This report of Secretary of War Crawford, dated March 13, 1816, may be found in *Annals of Congress,* 14th Cong., 1st sess., pp. 194-199. The italics are Stanly's.

[99] The reference is perhaps to John Clark's pamphlet, issued in 1819, *Considerations on the Principles of Wm. H. Crawford,* which was an attack on Crawford and an account of the rise of the bitter Clark and Troup parties in Georgia. R. H. Shryock, *Georgia and the Union in 1850,* p. 91. However, the reference may be to a communication from Clark published in *The Star* (Raleigh), November 14, 1823, accusing Crawford of withholding a letter relating to the smuggling of slaves which the House of Representatives had requested him to submit.

[100] A select committee appointed to ascertain who committed the act of suppressing certain passages of documents submitted to the House of Representatives by Secretary Crawford in his report of February 14, 1822, concerning his transactions with the banks in which money secured from the sale of public lands had been deposited, reported on February 27, 1823, that "there does not exist the semblance of a reason for charging upon the Secretary of the Treasury any agency" in the suppression. *Annals of Congress,* 17th Cong, 2nd sess., 1127.

tity of Caesar's wife should not even be suspected, so the American People ought to say, "The integrity of a President of the United States, ought to be above suspicion." But, Sir, whatever may be Mr. Crawford's fitness for the Presidency, when I see his friends, and his friends only, endeavoring to sustain him by that machinery of corruption and intrigue, a Congressional Caucus, by endeavoring to rekindle the vulgar prejudices of party, I must find very serious objections to his competitors, before I give my vote to Mr. Crawford.

Mr. Calhoun, we are told on this floor, is not a Republican; the gentlemen say, at least, he is not a Republican of the *Jefferson School*—Mr. S. said that the path of Mr. Calhoun had been a bright one; it had been distinctly seen and clearly marked. As a member of the Republican party, Mr. Calhoun had been greatly distinguished for his consistency, his zeal, and his ability. If to have contended, with all his eloquence and zeal for the right of universal suffrage, be Republicanism—If to have advocated and supported the late war against Great Britain, in all its stages, be Republicanism; if to have reduced the expenditure of the army, under his administration of the War Department, and to save to the country, by his reform, a million of dollars annually, be Republicanism, Mr. Calhoun's claim to the character of a Republican is inscribed on his country's history. But he is not a Republican of the "Jefferson School," gentlemen say.

If to desire to convert our gallant navy into a fleet of contemptible Gun-boats; if to reduce the army at each point to little more than a Corporal's guard; if to rely on the system of distressing ourselves by embargoes, and non-intercourse laws as the means of obtaining redress from our enemies; if to deny to the federal Judiciary, the power under the Constitution to support the federal government, and the authority of its laws; if these constitute a Republican of the Jefferson school, I presume Mr. Calhoun has no claim to the character. But, Sir, let his enemies or his friends place Mr. Calhoun where they please in the ranks of party, his country, without the influence of party feelings, will place him in the first rank of statesmen and of patriots.

For the claims of Mr. Adams, Mr. S. said he had the highest respect. Schooled in politics, every hour of his life has been devoted to qualify himself for high stations in our government, and on many occasions he has been distinguished as the able and intrepid asserter of his country's rights. I owe it, nevertheless to candor to declare, that the apostacy of Mr. Adams from his old friends the Federalists to the Republicans, did not please me; the crisis at which he sought the alliance of Mr. Jefferson, the moment when his party had gained the ascendant, left room to question the integrity of the change: but it is due to Mr. Adams to acknowledge, that his subsequent course of conduct, steadily and without wavering, sustaining the rights, interests and honor of his country, should banish every doubt of his honesty. Considering Mr. Adams' qualifica-

tions and experience, and that the election of President is not merely a matter of sectional interest, but in its character and sphere, it is national; that the Southern States have given four out of five of the Presidents we have had; that on this occasion, to elect the President from the Northern section may serve to remove discontent, cultivate harmony, and strengthen the Union, upon which our hope of Independence must rest. If my vote would elect the President, I would (of the gentlemen nominated) give it to Mr. Adams. But as I believe, that although in this house, and in every part of the State, Mr. Adams has many and respectable friends, yet as the number does not promise an efficient opposition to the Candidate whom the Caucus is to nominate, a ticket for Mr. Adams in this State would be but a waste of strength, and I feel no hesitation in declaring, that under these circumstances, I am willing to give my support to Mr. Calhoun.

Notwithstanding, said Mr. S. the boldness of gentlemen, who arrogate to themselves the exclusive merit and character of Republicans: many of whom have been known only since the struggles of parties have ceased and contests of opinion actually subsided, by the universal agreement of all honest men, upon the prominent principles on which the Government should be administered; some of whom are [have] scarcely outworn their first breeches: and whose only part has been to float along the current of party; who yet denounce as Anti-Republicans all who differ from them on this occasion. I find myself, said Mr. S. associated in my opinions, against a Caucus, and in favor of Mr. Adams or Mr. Calhoun, in preference to Mr. Crawford, not only in this house, but in every part of the State, with gentlemen, whom the country has long recognized as among the most respectable of our citizens, and who have always belonged to that class of firm and inflexible Republicans whose personal character and exertions created and established that party, which these youthful patriots are so proud to claim as their own. And I see among these would-be exclusive Republicans not only out of the House, but in the House too, some decided Federalists, who joining in the support of Mr. Crawford, and his projected Caucus, give their allegiance to those who still abuse them. For myself, said Mr. Stanly, I thank God, I can say I am still a Federalist. I never have, and I never will put on the turban and turn Turk, for any share of the plunder.

It is true, sir, that this question has taken up some of our time, but it has not been wasted, as gentlemen please to say. In the share I have had in the discussion, I have been influenced not only by the hope that reflection may come to some on this floor, who have heretofore favored a Caucus; but that the far greater benefit may flow from the debate:—that the public attention may be roused and turned to the subject; that the indignant voice of a free people will soon be heard to put down the false and presumptious hope of those who by secret and midnight Cabals and Caucuses, plan projects, ruinous to the liberties of the country;

and that the most valuable of the rights of freemen, the right of Election, uncontrolled by any conspiracy to direct their choice will be restored to them. As a free man, it is my privilege to investigate measures which concern my rights; as a Representative of freemen, it is my duty to bring to the bar of public opinion the designs of those whose projects or conspiracies endanger the safety of the Constitution and encroach on the liberty of the people, and the freedom and purity of election. And may Heaven in its just judgments, deal with me as I act firmly and con[s]cientiously in the support of these principles: the defence of the Constitution, and the right of the people freely to elect their officers and Representatives.

[*To be continued.*]

HISTORICAL NOTES

Edited by D. L. Corbitt

The notes included in this issue deal with the Hillsboro Convention of 1788, which met to consider the Federal Constitution. This convention, because of opposition to the Constitution, adjourned without accepting or rejecting it, and there was much discussion in the press of that day as to North Carolina's action and status. It was not until November 21, 1789, that North Carolina ratified the Federal Constitution and became a member of the Union.

COMMENTS ON THE FEDERAL CONSTITUTION AFTER THE HILLSBORO CONVENTION[1]

The following is a copy of a Publication which we are informed, has lately been dispersed in different parts of the State, and is now inserted in this paper by particular desire.

To the PEOPLE *of the State of* NORTH CAROLINA.

Friends and Fellow Citizens,

THE situation in which you are left by the proceedings of your late Convention,[2] is such as requires your most serious attention. Perhaps at no period since your ancestors first settled in this country has your condition been more awful and affecting. You are for the first time separated from your sister states, the early and late companions of all your difficulties and dangers, with whom you have hitherto on all occasions run the race of freedom and glory, with whom but very lately you resolved to conquer or to die. Little was it to be apprehended, that in less than six years after the peace, a peace acquired by your and their joint efforts, and which to the astonishment of all mankind gave glory as well as security to the weaker party, those states who had been the willing and the generous sharers of a common danger, should have become separate! weakened the common cause, still in full force, though not in equal apparent danger subsisting! and thus afforded a triumph to our common enemies, who are watching, if not planning for our distruction! Heaven forbid that this disunion should last long! Happy would it have been, if it had not for a moment existed!

But Regret, with whatever poignancy it may be felt, is now useless.

[1] *The State Gazette of North Carolina,* September 15, 1788, pp. 1, 2, 3, c. 2, 3,-1, 2, 3,-1, 2, 3.

[2] This convention met at Hillsboro, July 25, 1788, and adjourned August 4, 1788, without rejecting or adopting the Federal Constitution; but a Declaration of Rights in twelve clauses and twenty-six amendments was recommended.

The danger is incurred. Eleven[3] other states have a conmmon united government. We have no share in it. If we can derive pride from the consideration, our independence is increased. We are now not only independent of all other nations in the world, but entirely independent of the other states, except for our share of the debt hitherto incurred, which we are now utterly unable to pay. We may form alliances[4] at our pleasure with Great Britain, France, Spain, Turkey, the Dey of Algiers, or Rhode Island. We may make what acts of Assembly we please concerning war, peace, negotiation, commerce or finance. While the eleven United States are fettered by the necessity of pursuing a common interest, there is no check upon our separate wisdom, or the free course of our own noble exertions.

There are some men possibly, inflated with ridiculous ideas of our own importance, to whom this prospect may be pleasing. There are many weak men perhaps who think danger never exists but when evils are actually immediately felt. There may be a few (I trust in God they are a very few) to whom confusion and disorder may be the most acceptable objects. But among the great majority, including both parties, those who are averse to the new constitution, as well as those who are friends to it, I believe the idea of an entire disunion is reprobated with horror. I have had the pleasure to hear that was the case with by far the greatest part of the majority in our late Convention, who unfortunately did not scruple to rush into a temporary one.

Taking it for granted therefore, that all rational friends of their country consider a union with the other states as indispensable to their liberty and safety. I shall beg leave to make a few observations on the policy which has brought us into our present extraordinary situation. It is a situation so new, as well as important, that no pains necessary to its investigation can be deemed ill bestowed. I shall hope therefore for the honour of your attention, while we examine it together.

The old articles of confederation were framed and executed in the very midst of the war. The necessity of a general opposition to the arbitrary designs of Great Britain had been felt by every generous mind from one end of the continent to another. A common danger pointed out the propriety of common exertions: common exertions required common counsels. The different states were therefore represented in Congress, who were entrusted with the common protection of the whole. The necessity of a general co-operation in measures of defence in which we are all interested, *in the midst of a danger which none could doubt,* occasioned a ready obedience to every recommendation made by that representative

[3] North Carolina and Rhode Island were the two of the thirteen that had not joined the Union, New York having adopted the Constitution a short time after the Hillsboro Convention adjourned.

[4] Between August 4, 1788 and November 21, 1789, North Carolina was regarded as a sovereign and independent power. Hugh Williamson represented the interest of the State at the Federal government, and protested the tariff law, and sought a division of the Federal debt so that North Carolina could assume its quota. Also communication was opened with the Spanish Minister in regard to the Indians west of the mountains.

body, and their recommendations accordingly had all the force of laws. Warmed with such noble principles, in pursuit of one great object, when the same men framed the articles of confederation, they relied perhaps too much on a continuation of the same ardour, and their system was formed on the basis of requisitions, which at that time had never been known to fail. Possibly they might have foreseen its defects, but provided those articles as the only ones likely to be adopted at that period, when some kind of confederation was absolutely indispensable. Whatever might be the cause of it, it's defects have been long acknowledged by all enlightened minds, and felt by the most ignorant. None can doubt, that a government must be radically defective, which in a country full of resources and affording the greatest commercial advantages, has not been able to pay the interest of a moderate debt incurred to preserve us from slavery, to keep alive even a passive commerce disgraceful to a great degree, to preserve foreigners and citizens from the operations of fraudulent and dishonest laws, to compel the execution of a treaty of peace most honourable and advantageous to us, and humiliating to our enemies, nor consequently to obtain possession of our full share of the advantages of that treaty, perfidy on one part naturally affording an excuse for perfidy on the other. Our national honour, as well as our national safety was wounded, and every friend of his country felt for the degraded reputation, as well as the diminished importance, of a people lately high in the estimation of all mankind.

In this situation, the universal voice of America almost called out for a remedy. After one or two ineffectual attempts, at length twelve states met in Convention. Among the members of that Convention, I need not particularly point out the illustrious ones entitled to the utmost confidence of their country. That country must be dead to every sensation of virtue, to every emotion of sensibility, to every impulse of gratitude, before that confidence can be withdrawn. The members of that Convention added to their high character before by the generous readiness with which all local objects were sacrificed to the general good. The sacrifice was noble, and does the highest honour to these states, whose members in the first instance, and who themselves in the latter, have thus added an immortal seal to their patriotism and wisdom. Wisdom it undoubtedly was, but a wisdom to which narrow souls could never reach, and which required a high sense of national honour, and an inflexible attachment to the true interests of the union at large, abstracted from immediate tempting advantages, to bring it forth.

Those respectable men that formed the late General Convention (I shall call them so, notwithstanding the gross abuse so ungratefully and illiberally bestowed upon them) had not only local difficulties to struggle with, but the extreme difficulty itself of forming a wise system of government, combining a proper share of energy in the formation and administration of laws, with that degree of liberty which each state and individual

ought unalienably to enjoy. To declaimers who have never thought or read on the subject this may appear an easy task, but to sober considerate men who are forming a constitution that ought not to be lightly changed, and which therefore ought to provide for every contingent case, as well such as are likely to happen seldom, as those which may frequently occur, it must always wear a very formidable appearance. This would be the case in forming a single government. In forming a confederate one, such as our situation required, the utmost attention, moderation, and forbearance were requisite. And as the subject required to be viewed in all possible lights, the mutual aid of a number of sensible men was indispensably necessary, together with the utmost freedom of discussion. What must we therefore think of the modesty of any individual who shall rashly, perhaps without any thought at all, condemn a system, grounded on such worthy motives, and produced by the joint effort of such wise and deliberate counsels! Yet how many instances are there of such individuals who condemn it with the most outrageous abuse!

I mean not in the course of this letter to enter into the particulars of a constitution, the merits of which have been so amply discussed. I shall only observe, that it's leading principle is, that in all cases where the peace and interest of the union at large are concerned we should, as one people united in a common object, be governed by common counsels, and it provides for the execution of these in a regular and peaceable manner by the instrumentality of courts of justice, not leaving us in the condition to which we were exposed under the old confederation, under which, though Congress had great nominal powers (very near equal to those proposed to be given to the new Congress, though the people were not directly represented in it) yet there was no method of enforcing their most material acts of authority but by force of arms, if they possessed this right of enforcing, which is questionable. If they did not, the confederation ridiculously gave an authority, without the means of carrying it into effect. If they did, then every act of disobedience, whether wilful, excusable or unavoidable, might have drawn on a civil war, in which the innocent must have suffered with the guilty. In the one case, the confederation was an absurdity: In the other, the horror and injustice attending it's execution, and the danger upon every such extremity of the union being entirely destroyed, were unanswerable objections against it with every friend to the peace and prosperity of his country.

But whatever may be the defects of the new system, it certainly has one material advantage over the old. By the old confederation no amendments could be made but by the consent of all the states. The necessity of an unanimous consent in any country is a never failing source of weakness and usurpation. It has been found so a thousand times in the seven United Provinces in Europe, where an unanimous consent even of the towns, as well as of the States General, is necessary for certain objects. This has arisen from an extreme jealousy, and has at critical

periods nearly caused their destruction, because some of the towns being very inconsiderate, foreign powers have found it convenient and practicable to bribe them to prevent their concurring in measures their common safety required. On such occasions the stronger party have found it necessary to over power the weaker, and rather usurp an unconstitutional power than suffer their country to be ruined. Rhode Island at length has reduced America to a similar situation. Her forbearing for years to join in any federal measures, and by her example inducing other states to adopt a separate and selfish policy, reduced America to this alternative, either to suffer in form all the evils of a weak impracticable government unable to correct itself, or by one bold and manly effort to strike into a new road of safety which would not only answer our purpose for the present, but suit us to the end of our journey. The confederation could scarcely be said to subsist but in form, as it had been violated in a hundred instances, or if it had not the *salus populi,* justly called the supreme law, required a new and nobler course. The Convention therefore, did not require an unanimous consent, which was impracticable, but in a manly manner declared, nine states should govern themselves, if the other four did not choose to yield to so large a majority. On such great occasions none but narrow minds will adhere to form; this alternative, or absolute ruin to the whole, seemed the inevitable consequence. Which ought they to have preferred? Upon a similar principle, future amendments to this system may be made, by three-fourths of the whole, and as this article is very important and generally much misrepresented, I will transcribe it at large, in order that it may be seen, that whether the Congress itself shall choose to propose amendments or not, yet if the *legislatures of two-thirds of the states do,* a Convention must be called for the purpose of consulting on the subject. The article is as follows, viz.

"The Congress, whenever two-thirds of both houses shall deem it neces-
"sary, shall propose amendments to this constitution, or, on the applica-
"tion of the legislatures of two-thirds of the several states, shall call a
"Convention for proposing amendments, which in either case, shall be
"valid to all intents and purposes, as part of this constitution, when
"ratified by the legislatures of three-fourths of the several states, or by
"Conventions in three-fourths thereof, as the one or the other mode of
"ratification may be proposed by the Congress; provided, that no amend-
"ment which may be made prior to the year one thousand eight hundred
"and eight shall in any manner affect the first and fourth clauses in the
"ninth section of the first article; and that no state, without it's consent,
"shall be deprived of it's equal suffrage in the Senate."

The first and fourth clauses in the ninth section of the first article (which are referred to in the above clause) are as follows, viz.

"Ist. The migration or importation of such persons, as any of the

"states now existing shall think proper to admit, shall not be prohibited "by the Congress prior to the year one thousand eight hundred and eight, "but a tax or duty may be imposed on such importation, not exceeding "ten dollars for each person."

"4th. No capitation, or other direct tax shall be laid, unless in propor- "tion to the *census* or enumeration herein before directed to be taken."

This article as to amendments places the subject on a footing, altogether new, and is an honour to the constitution proposed which no other in the world can boast. In every other country revolutions of government can only be expected to take place by means of a civil war. The glorious principle of a majority in a fair Convention of the people deciding peaceably for the whole has not yet reached them. The extension of this principle, which formerly existed in the separate states, to the states in their united capacity, at the same time requiring more than a bare majority, to prevent hasty and partial alterations, in my opinion, is entitled to the highest praise. As mankind increase in knowledge, the contemptible vanity of self-perfection gives way to the more enlightened and more just diffidence of any human capacity, however great. The foresight of the greatest minds is nothing, compared to the instructions of experience. Any system therefore that could now be formed would possibly upon trial be found to want alterations, and if such alterations could not be made in a regular and orderly manner, it would be a just exception to any system whatever, let it's merit otherwise be ever so great. Thank God no such exception lies to the system before us. It guards wisely against the two dangerous extremes of too much facility or too much difficulty in obtaining amendments. They certainly ought not to be made but when the necessity or utility is very apparent, and when that is the case it ought not to be in the power of one or two weak or wicked members in the union to defeat the real interest of the whole.

This article has justly been deemed so important, that it has been the means in a most happy manner, of facilitating the adoption of the constitution in several of the states. The respectable states of Massachusetts Bay, South Carolina, New Hampshire, Virginia[5] and New York, though approving of the general principles of the constitution, had objections to particular parts of it, and therefore wished for amendments. But they were at the same time sensible of the necessity of a more intimate union of the states, they dreaded above all things a separation of interests and pursuits, they deemed the present situation critical to a most alarming degree, and as no man could insure us against foreign hostility or domestic dissentions till all the different amendments were adjusted, they generously and discreetly said, "We will not break the union, we will unite "with you for the present on the terms proposed, that we may have a

[5] Virginia had submitted the same Bill of Rights and amendments except six that North Carolina adopted.

"national government in existence, and we refer to your equity and good "sense afterwards in the constitutional mode the amendments we wish "to have adopted." This was the language of patriotism, prudence and affection, and none can doubt it will have it's fullest effect, in respect to all those amendments which are really essential, and which relate as well to the security and prosperity of one state as to those of another. If there are any of a more local nature, and they should not prevail, we ought not to regret that in this instance as well as others three-fourths of America shall speak for the whole, since all the states individually cannot be expected in every instance to agree.

Would to God that a similar principle of conciliation[6] had governed the decisions of our Convention! Why should we not have followed such respectable examples? If Massachusetts, though I believe the fifth only that agreed, thought the condition of previous amendments dangerous or impracticable, surely our state after the certain agreement of ten, and when it was evident the new government would be put in motion, had much more reason for not insisting upon it at that time. The subsequent examples of four other states (three of which were known to have decided when our Convention met) have added great weight to the propriety of the conduct of Massachusetts. Two illustrious examples of highly respectable individuals in two of those states deserve particular mention, as well in honour to those gentlemen, as to sanction the decisions of the majorities in their respectaive states. The [one] is Governor Randolph of Virginia. This gentleman, who has long been esteemed for his many virtues as well as for his abilities, was one of the Delegates from Virginia in the General Convention at Philadelphia. He had objections to the constitution which made him forbear to sign it. So far as pride could be concerned, his wishes must have been opposed to the general adoption of the constitution without previous amendments, and it is believed if a few only of the states had agreed he would have persisted in this purpose. But when so many as eight states had agreed, and he saw the difficulty and danger of requiring so many states to tread back the ground they had passed, he nobly declared (I had not the pleasure to hear his words—I judge only of the substance from report) that it was now too late to require previous amendments, and that though he still thought amendments necessary, he would not endanger the union by insisting on them as a condition of adoption. He accordingly, with all the warmth of patriotic virtue, maintained the adoption of the constitution in the then situation of affairs as indispensably necessary perhaps to the existence of the union, certainly to its peace and security; and to the exertion of his great abilities it is not improbably Virginia may be in a great measure indebted for her present station in the union, and America at large for

[6] After six days of discussion, Willie Jones, an anti-Federalist, who led the opposition to the Constitution moved that ratification be deferred and that amendments be submitted. After much discussion by Samuel Johnston, James Iredell and William R. Davie, Federalists, Jones's proposal was adopted.

the subsequent adoption by New York in soncequence of her illustrious example. In that state, resides the other gentleman whose conduct I beg leave to state. Being at a greater distance, I can only speak of him generally as a distinguished character by name, and who had been remarkable for his opposition to the new constitution. I mean Mr. Melancton Smith, who was a member of the late New York Convention, and is said, in a debate on the subject of a constitutional ratification, to have spoke to the following effect. Having declared his determination to vote against a condition, he urged "That however it might be otherwisely presumed, "he was consistent in his principles and conduct. He was as thoroughly "convinced then as he ever had been, that the constitution was radically "defective; amendments to it had always been the object of his pursuit, "and until Virginia came in, he had reason to believe they might have "been obtained previous to the operation of the government. He was "now satisfied they could not, and it was equally the dictate of reason "and of duty to quit his first ground, and advance so far as that they "might be received into the union. He should hereafter pursue his im-"portant and favorite object of amendments with equal zeal as before, "but in a practicable way, which was only in the mode prescribed by the "constitution. On the first suggestion of the plan then under considera-"tion, he thought it might have answered the purpose; but from the "reasonings of gentlemen in opposition to it, and whose opinions alone "would deservedly have vast weight in the national counsels, as well "as from the sentiments of persons abroad, he was now persuaded the "proposition would not be received, however doubtful it might appear, "considered merely as an abstract and speculative question. The thing "must now be abondoned, as fallacious, for if persisted in, it would cer-"tainly prove in the event, only a dreadful deception to those who were "serious for joining the union. He then placed in a striking and affect-"ing light, the situation of that state in case they should not be received "by Congress, convulsions in the northern part, factions and discord in "the rest. The strength of his own party who were seriously anxious for "amending the government would be dissipated, their union lost, their "object probably defeated, and they would, to use the simple figurative "language of scripture, be dispersed like sheep on a mountain. He there-"fore concluded it was no more than a proper discharge of his public duty "as well as the most adviseable way of obtaining the great end of his "opposition to vote against any proposition which would not be received "as a ratification of the constitution."

I cite with the greater pleasure these two respectable instances, not only as a striking proof of the justice of those sentiments which induced two such men to abondon a cause they were warmly attached to, but that in the midst of the party violence to which we have been unhappily witnesses, we may dwell a few moments with delight on the magnanimous virtue which produced such distinguished instances of candour.

If these considerations have no effect, but it [is] still asked, Shall we consent to a system destructive to our liberties, without taking proper precautions to secure them? Let us calmly ask ourselves, Can we believe not only that the members of the General Convention at Philadelphia, but that eleven State Conventions meeting separately since, could either be so ignorant of the proper principles of liberty, or so indifferent about them, as to consent to any system by which it could be in reality endangered? Is the vital spark of freedom, which so lately set all America in a flame, existing no where but in the breasts of the majorities of North Carolina and Rhode Island, and of the minorities of the other states? Surely it is much more probable that those who have taken so much pains to inflame you, condescending to use very little reason with a great deal of passion, are mistaken in entertaining such high ideas of their own superior wisdom, than that North Carolina and Rhode Island now remain the only American bulwarks of liberty. I trust in God the other states are not in so desperate a condition, and hope I shall not offend you in supposing that with equal virture the eleven United States are not inferior to the late majority of our Convention in wisdom and discernment. The business of government is a very complicated thing. It requires other talents, besides good wishes, to undertake it with success. It requires far superior qualities to those of a mere slave of popularity, to frame a system calculated not merely to flatter the passions of the people it is intended for, but to fix it on a basis of justice which can conciliate the regard, the confidence, the respect of other nations, and give it a fame calculated for duration. Such a system which framed is to be tried by the test of reason, not passion. It is not to be rejected, because plausible objections can be made to it: Plausible objections may be made to any thing, and objections of any kind, before they prevail, ought to be found solid, and not plausible merely. Nothing would be more easy than to detect the sophistry with which many parts of this constitution have been attacked: Nothing more easy, than to shew the improper distrust, and the groundless jealousy with which many well meaning men apprehend that the moment this government is set in motion, the very men whom the people and the legislatures themselves have chosen will conspire against their own liberty, and that of their constituents. But as I before observed to you, I shall not in this letter enter into particulars, but refer you to numerous respectable publications calculated to quiet your fears on this subject. In my opinion, the coolest and most deliberate reason, as well as the most respectable authorities, is on the side of the constitution, and so I am persuaded it will be generally acknowledged when the midst of passion, which has blinded many able, as well as many weak men, is taken off.

In our present situation, what are we reduced to? Have we any national character? Is the state of North Carolina known to any nation in Europe? No. The *United States of America* are known. But alas!

we are to be no longer one of them. We have no alliance with any power on earth. We have no right, if attacked, to call on the other states for assistance. Our own prowess and resources must defend us against all mankind, or we must sink in a conflict, unless assisted by the charity of others. Can we much longer bear so humiliating, so dangerous a condition? What must our feelings be when we see the prosperity of the other states derived from the energy of their new government, while we are deriving additional weakness from the dissolution of the old, without partaking of any of the benefits of the new? Can we blame our sister states? Certainly no. A cruel necessity dictated a change. Certain ruin, or an alteration, became the unavoidable alternatives. We have had our option allowed us. We have unfortunately chosen for the present a path leading to misery and ruin, if we continue to pursue it. But God forbid that we should not instantly stop short, and do every thing to recover the false step we have taken which our situation will admit of. Is there left us any method of relief?

Our situation is certainly bad, but perhaps not entirely desperate. The majority of the Convention seem not to have considered what they did as a rejection. But it may undoubtedly be considered so by the other states. After not accepting when the opportunity was allowed us, we have no right to chuse our own time at any period hereafter. All the states ought certainly to start upon equal terms. But it is to be hoped they would judge with liberality, and that if we early should agree by means of another Convention, we might immediately be admitted on equal terms with the other states. We have reason to fear however, that the earliest step of this kind that could be taken, might be too late for us to have a share in the first formation of laws. What an opportunity we have lost! Should North Carolina have no votes in the first Congress, the first system of laws, which will be the most important of any for many years, may be formed much more injuriously for the southern states than otherwise might have been the case, and the supporters of amendments may be deprived of powerful assistance.* Whether

* There are two ways in which amendments may be proposed. 1. The Congress, if two-thirds of both houses concur, may propose amendment. 2. On the application of the legislatures of two-thirds of the states, the Congress must call a Convention for proposing them. And such amendments as either the Congress, or such Convention shall propose, will be valid, and for the future form a part of the constitution "when ratified by the legislatures" of three-fourths of the several states, or by "Conventions in three-fourths thereof, as the one or the other mode of ratification "may be proposed by Congress." No amendments therefore can be proposed, but through the medium of Congress, or on the application of the legislatures of two-thirds of the states. Those states must be *states in the union,* because the constitution can refer to no states but such as are bound by it. By our not adopting the constitution, the general party through America in favour of amendments lost the benefit of the votes which our Senators and Representatives might have in Congress, and also of that recommendation by the legislature of this state, which might be of

great moment towards making up the requisite number of two-thirds of the several legislatures in the union. And if a general Convention should be called, we can have no pretence to form a part of it, unless we are in the union, because the general Convention spoken of in the constitution, must mean a Convention of those states which are *members of the union;* it can never be understood to refer to any state which thought the constitution unworthy of its acceptance, and therefore was in no respect bound by the system which was to be amended. People may rationally correct their own government, but it would certainly be impertinent in others to interfere with it.

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or not we can possibly be early enough for this no man can say. But let us get into the union as soon as we can. One Convention can repair the mischief of another. Let all therefore who think with me promote so far as his influence shall extend the measure of petitioning the Assembly for a new Convention. Let the people on this occasion (it certainly is great enough for their exertion) speak their own sentiments. Let them say whether they wish for an immediate adoption, that we may be a member of the union, or not. They have had an opportunity of much reflexion since the first libels were dispersed among them. I am much mistaken if their native good sense is not beginning to break through a cloud of prejudice. Let them call on all who attempt to dictate to them, for reason, instead of abuse. Let them tell them plainly, calumny of the most respectable characters shall no longer impose either on their passions or their understanding; that they consider it not only grossly unjust in itself, but an attack on their integrity as well as on their judgment, and that it is now too late to persuade them that the great majority of America is composed of men who want either virtue or understanding: That it is much more certain that we ought to be a united people, than that their objections to any union at all are founded on any rational principles. This language I trust will be found congenial with the general sentiments of my countrymen. I have seen many systems of a change which give me the greatest hopes. I rely on that public virtue which has so often conspicously shewn itself in this state; on that good sense which though it may for a time be overborne, is sure in the end to rise superior to prejudice. God grant that this fatal disunion, fatal I should have termed it had I been sure it would exist but a day, may last a very short time longer! May we return and embrace with affection those sister states, with whom we have hitherto shared in adversity and prosperity, and with whom alone, whatever vain ideas we may form, we can enjoy security, freedom and glory! And may those respectable states, with a moderation and forbearance which will do them honour, be willing to receive us with as much cordiality as if we had never strayed!

A Citizen of North Carolina.[7]

August 18, 1788.

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[7] This may be James Iredell. See McRee's *Life and Correspondence of James Iredell.* Vol. 2, pp. 239, 240.

AN ANSWER TO THE ABOVE LETTER[8]

An ANSWER *to the Letter addressed to the People of the State of North Carolina*

BY A CITIZEN OF NORTH CAROLINA

Omnes autem habentur [et] dicunter tyranni, qui potestate sunt perpetua, in ea civitate quae libertate usa est.

CORN. NEPOS.

Sine Larva.

SIR,

SUPPOSING your late address, however generally directed, could only be intended for the anti federal party; being one of the leaders of that party, and a member of the late Convention held at Hillsborough, I undertake to thank you for reminding us of the critical situation we are in and that it requires the most serious attention. You are right, though you might have spared yourself that trouble, it being a situation we are too well pleased with, to be inattentive to.

Will you be pleased to recollect that our cause of complaint (I here speak of all America collectively) against the European tyrant, was his monopoly of all power and too lordly an exercise thereof over those he esteemed his vassals; in fine that hostilities were commenced, that victory declared for the states, of which we (North Carolina) are one. Was it not a natural consequence to wish to enjoy the fruits of victory? and how could we be said to enjoy a privilege we did not exercise? The inestimable gem we won by our joint endeavours was divisible, and who shall hinder us from the occupation of our particular portion? We have occupied it for a considerable time illimitably; the pleasure arising from its use has so strongly captivated our souls, that we will not submit to the dictation of the other states how far we shall extend it, or how we again shall subdivide it among ourselves. I fortunately happen to be of a party which has acquired more than an equal share procured by our ingenuity, and we are not disposed to run the risk of having our hands weakened by a simple submission to the award of arbitrators. And sir, being so circumstanced, we do exult in consideration of our independence being encreased, that we are now independent of all nations and states, our own not excepted, having gained such an ascendency in the Assemblies and Courts, (for we are both representatives and magistrates, we make and interpret the laws) so that in a short time I hope to see our aristocracy as firmly established as those of Venice and Genoa.

As for the public debt incurred, it may or may not be a debt as we are pleased to consider it; if we ever discharge it, it will be merely *ex gratia,*

[8] *The State Gazette of North Carolina,* November 3, 1788, p. 1, c. 1, 2, 3.

and that perhaps in a currency to be struck for the very purpose, which by the laws of the land being declared a tender in all cases whatsoever, will serve to pay debts due to foreigners as well as citizens. This will serve also as a confutation of your assertion that we are without pecuniary resources; only remember when put to our shifts during the administration of the late Governor N[a]sh, to whom was delegated the whole power of legislation in that particular, what an inundation of money he produced, beyond the power of arithmetic to calculate. Do you think the secret buried with him, and that source of credit and riches dried up to the fountain head?

True (you say jeeringly) we may now form alliances at pleasure,—and we may let alone also. Is there any indispensible necessity for them? No! Encompassed almost by the United States, we need fear no invasion by land from foreigners; the policy of those states will not permit troops to march through their territories to make war upon us, so that in that article we are safe; and although it may be alledged that forces may be landed immediately on our own coasts, the same answer a little varied, will again serve, to wit, the United States will assist us through fear, if not through affection; through fear of being attacked by the same power after our subjugation on the side of South Carolina or Virginia.

Besides you write as if it was impossible for a state or nation to exist without forming alliances. I am sorry, sir, you read your bible to so little purpose as to have forgot that the Jews lived altogether independent of and unmixed with ever other nation forty years in the wilderness, and then suddenly bursting forth from their obscurity, were so warlike, so well appointed and so strong in finance, that the nations though sometimes trebly combined, fell before them like timorous sheep before a band of prowling wolves.

"Possibly we may be inflated with the ridiculous idea of our own importance." If there be any earthly excuse for pride, have we not a temptation to be proud? Have we not in our resistance of a tyrant King disengaged ourselves from his yoke? Is there any thing sweeter than after such a conflict to impose that burthen on the necks of others, with which our own shoulders are yet galled? Our arms being too short to reach the tyrant and his emissaries, we therefore tried it on those nearer to us, and I do assure you it proved exquisite pastime; their curveting, their writhing and twisting was to us (the imposers) a delectable pantomine, and we have never dropt the representation for a single day, for the play was for our own benefit.

Ye have voted us into authority and we have extended that authority; as members of legislation during the session: we are your sovereigns, when and where we take special care also of our juridicial jurisdiction, so that between session and session, all judicial contests are decided by us, sometimes with, but much oftener without a jury, the authority of

which is now reduced to an empty sound. Was the Rump Parliament under Oliver Cromwell's best modelling, ever more absolute? and being so firmly established, you will scarcely persuade us to part with that, which no man or set of men were ever known to relinquish for slenderer arguments than those of guns and swords.

One of the Apostles says, "He that provideth not for his family, is worse than an infidel." There is but little difference between him who provideth not, and him who having provided the means wasteth them.

If we conform with the eleven states, we must pay up in proportion the public debt, pay a much heavier land and capitation tax than at present we are disposed to do, and must pay off also our British debt; thus we venture the beggaring or at least reducing our families to shorter and more sordid appointments than become our dignity. It is immaterial by what means we became great men—being so, it is our duty not to consent to any measures tending to diminish our consequence. Charity ought to begin at home, and when it becomes a question who shall suffer, thou or me? that reverend *judge* SELF, has seldom been known to decide unnaturally, except in the case of a few romantic fools, whose example we are not ambitious to imitate.

As to your pious hope that the notion of a disunion is generally reprobated, even by those who voted against the constitution, that hope, though not altogether groundless, is to be indulged *cum grano falis,* i. e. allow a large sum of paper bills to be emitted, time for its utmost depreciation, and time for paying debts public and private, with the currency so depreciated, and I will admit that perhaps there are many who then will care not, although the new constitution should be adopted; but who are they? wretches of no note or consequences, who never had a vote in an Assembly or a seat in the Courts.

The two instances of disinterested virtue, you hold up for our imitation in the persons of Governor Randolph and Mr. Smith, we dare not pattern after; they are great by genius, family, fortune, education and profession—they may safely make such concessions, and still remain patricians; but for us, the progenitors of many of whom are as uncertain, as those of the fatherless babes, under the tuition of the overseers of the poor, to aspire to the practice of such sentiments, would be flat insanity—raised upon the stilts of popularity for imaginary qualifications, without genius, family, education or profession, for such to stoop, is never to rise again.

We thank you for your information relative to the deficiencies of the old constitution. For those very deficiencies we adore it; we plainly saw its given powers could not be carried into execution, yet were willing it should be suspended in *terrorem,* to fright naughty boys (not of our party) whose veneration for it, made them think an infringement of any article thereof sacrilege, while we (of the junto) with the spirit of an

Alexander, with true heroic petulance, cut in two its gordian knots at pleasure, enacting *ex post facto* laws, law for extending the jurisdiction of the county court magistrates in and out of court, law for stay of execution, which in its effects amounted also to positive law for the alteration of written and sealed contracts, &c., and not content to fix upon our subjects those badges of slavery, we attempted to tyrannize over their minds and consciences, prescribing for their belief a political transubstantiation in the case of paper currency, where every bill on its face carried an impudent assertion, that it was equal in value to gold and silver, with a fraudulent promise that it should be redeemed with that species of money at a future day; to the belief of which (less modest than Lord Peter in the Tale of a Tub) we did not condescend to offer even his or any other arguments, but trounced in the Courts many who ventured to judge for themselves by eyes, nose, teeth, or any other organ or distinguished faculty Heaven had bestowed upon them, taking especial care notwithstanding to spare our own countrymen more than strangers, who dared to dispute our infallible ordinances.

My good sir, entertain a better opinion of us—we are not those vain creatures you are disposed to consider us—we are more modest and reasonable than to expect that after eleven states upon mature deliberation had adopted the constitution, they would tread back the ground they had gained—such a requisition was only thrown out to amuse; we never hoped for or desired such a confession, since so long as it shall be refused, so long shall we have a feasible apology for refusing to adopt the federal constitution (thereby becoming the assassins of our beloved principle). Nor do we alledge that the members of the Grand Convention, held at Philadelphia, or that the eleven state Conventions met since separately, are so ignorant of the proper principles of liberty, or so indifferent about them, as to consent to a system by which the general liberty of mankind would be infringed. No we feared and doubted them only for our special and particular liberty; the liberty of (our party) remaining free to trample upon the rights of all those who are not in the Assembly and commission of the peace.

If we have no national character, we have a provincial one, which each of us often enjoys the secret satisfaction to hear echoed from a thousand mouths; which proves that the juices of the apple and peach in this young country, are as efficacious to inspire a mob with noise, impudence and mischief, as is the spirit of barley in the old.

I shall now take my leave of you by observing, that like *wisdom* you cry aloud in the street, and no man (of my party I hope) regardeth you —that the best reasoning, couched in the most elegant language, delivered in the most affectionate terms, with decorum, decency and temper, and proceeding from the lips even of an angel, will never persuade the sodid and mischievous heart out of what it esteems its immediate interest to retain.

ANTIFED.[9] Senior.

[9] This may be Willie Jones, who was one of the leaders of the anti-Federalist party.

AN APOLOGY FOR NORTH CAROLINA'S FAILING TO ADOPT THE FEDERAL CONSTITUTION[10]

From the NEW YORK DAILY ADVERTISER *of September 17.*

The state of North Carolina by not adopting the new constitution, is lately become the subject of much criticism and censure. In this instance, having done what is supposed to be wrong, it is hardly admitted that ever she did any thing that was right. We are told that during the war her exertions were trifling—that she had never contributed to the national expence—and that she now refuses to confederate, from a desire to promote the fraudulent tender of paper money. Charges against the unpopular are usually listened to with avidity, but happily none of these charges are well founded, however current they are in circulation. During the whole of the late war, whenever the neighbouring states were invaded, North Carolina was sure to lend them assistance. We have seen in the course of one campaign, six or seven thousand men of the North Carolina militia in one of the neighbouring states, or on their march to its relief; and she now counts three or four thousand of her citizens who fell a sacrifice in Georgia or South Carolina, to their zeal for the safety of the union. We say nothing of her continental line, nor of those who fell within the state while the enemy pervaded every part of it. Is it probable that such armies were supported without money? Surely not. But North Carolina has uniformly paid and supported her own militia, though they were in the continental service, and she has furnished provisions to a considerable part of the continental troops in the southern armies. Who have paid for the vast stores that have been consumed by such bodies of armed men? In other states commissioners have been appointed to settle the claims of individuals against the United States, and certificates for many a million have been issued by those commissioners; but no such officers have had occasion to settle accounts in North Carolina, because the state has taken upon itself all the debts that were due to her citizens by the union, except a small balance that was due to her continental line. These debts have amounted to several millions. Some part is already paid—there is a large balance remaining. From the public accounts it would *appear,* that in the years 1782 and 1783, North Carolina paid nothing towards the specie requisitions, while South Carolina had paid her quota, but this is a difference only in *appearance* —for the state last mentioned, has a specie credit for all supplies furnished the army from the beginning of 1782, while North Carolina that furnished large supplies, stands without any credit, because she has not brought up her accounts. For several years North Carolina has been oppressed by discharging the debts she had assumed to her continental line, and some others of her citizens—but she has lately begun to make effectual payments into the national treasury. On the last year she paid

[10] *The State Gazette of North Carolina,* October 6, 1788, p. 1, c. 1, 2, 3.

near 30,000 dollars in specie, and we are told that she has another large payment ready to be made. It is true that paper money has been issued in that state, and it was made a legal tender, but it is also true, that the general sense of the people is not in favour of fraudulent payments—on the contrary, it is common for juries, in actions of debt, to consider the depreciation and assess damages accordingly. Has the virtue of their citizens done the same thing in other states where bad money is a legal tender? But North Carolina has not adopted the new constitution, and therefore it is alledged that she is antifederal, and an enemy to good government. This is the last charge, and like the rest, it is worse founded than people are apt to believe. It is now generally agreed that the new constitution will admit of some amendments— they have been pointed out. It will also admit of several explanations or alterations, by which it may be rendered, not a better system, but a safer one against the mechinations of wicked men. Some of those explanations will doubtless be made by the general concurrence of the states, because they obviate powers which no man can advocate:—But North Carolina has proposed one amendment, marked No. 7, which others of the states may not be disposed to make, and yet experience has taught her, as well as Virginia, that such amendment is extremely proper. The state wishes to see the alterations made which she pointed out, and for this very reason she wishes to see the new government commence. If eight states only had confederated when the Convention of North Carolina sat, perhaps they ought to have made the ninth, but ten states had confederated, consequently the general system was secure.

The pause that North Carolina has made can occasion no delay in the necessary measures, and no state, except herself can be injured by it. We are told, indeed, that she ought to have adopted the new system, that so she might have assisted in making the proposed amendments; but she replies that, if other states are seriously disposed to make reasonable and profitable alterations, they can do it in a short time without her assistance; but if they are dissembling—if they are about to drop the spirit of accomodation, and to hold by majorities what they have gained by accident, she is safest where she stands. A cautious politician has little faith. Let us attend to the Convention. On the 2d of August it was thus determined, 'Whereas this Convention has thought proper 'neither to ratify nor reject the constitution proposed for the government 'of the United States; and as Congress will proceed to act under the said 'constitution ten states having ratified the same, and probably lay an 'impost on goods imported into the said ratifying states: Resolved, That 'it be recommended to the legislature of this state, that whenever Con-'gress shall pass a law for collecting an impost in the states aforesaid, 'this state enact a law for collecting a similar impost on goods imported 'into this state, and appropriate the money arising therefrom to the use 'of Congress.' It was also on the same day 'Resolved unanimously, That

'it be recommended to the General Assembly to take effectual measures 'for the redemption of the paper currency, as speedily as may be con-'sistent with the situation and circumstances of the people of this state.' These acts afford the clearest proof that the Convention of North Carolina was not actuated by the spirit of paper money. They are also in proof that the wishes to co-operate with the union, and hold herself in readiness to confederate whenever certain steps are taken, which may readily be taken without her assistance. If it shall be urged that she might now confederate without any danger, and that her efforts would be of use to other states whose interest is nearly the same—the writer confesses that he is of the same opinion. He thinks that some alterations which equally affect the several parts of the union, will certainly be made, because the spirit of a nation is not to be resisted. But there are two or three alterations which respect the southern states, that they may have a greater security against illiberal or oppressive combinations; these alterations he suspects will not be made, because the most trifling seeming advantage is seldom relinquished; but he apprehends no danger from the consequence. The evils which North Carolina apprehends are of such a nature, the measures would be in themselves so iniquitous, and so abhorrent to the feelings of every southern man, that despotism itself would hardly attempt them, and all its arts and auxiliaries would never be able to put them in force. Be this as it may, in all abstract questions of this sort concerning the expediency of measures, people are apt to differ, and North Carolina in the present case has chanced to differ from her sister states; but notwithstanding of such difference, it should be remembered that she has hitherto been second to few of the states in substantial attempts to serve the nation. Her late conduct is free from every charge of selfishness or dishonesty, and we are bound to believe that she is determined to support the federal union.

A REPUBLICAN.[11]

THE SERIOUS CONDITION OF NORTH CAROLINA[12]

To the PEOPLE *of the District of* EDENTON

My Friends and Fellow Countrymen,

THE hour fast approacheth when the trumpet of calamity will reach you. After having unequivocally experienced the important feebleness of confederate America, an efficient government was offered to you; which with disdainful scorn, a majority in Convention have treacherously rejected.

I already conceive from my own knowledge, and your well approved

[11] Hugh Williamson writing to James Iredell on September 22, 1788, said: "That our State might not be universally abused abroad, I have written the best apology I could make for it, which you will see in the New York Daily Advertiser for 17th Inst., a copy of which I have inclosed to Mr. Collins, S. C." McRee's *Life and Correspondence of James Iredell*, Vol. 2, p. 242.

[12] *The State Gazette of North Carolina*, September 22, 1788, p. 3, c. 2.

attachment to good government, that you are at a loss to discover the best remedy to extricate us from our present forlorn condition. I am apt to presume that you are bewildered in your thoughts of the future; and with confidence I hope, that with indignant pride, you feel the fatal blow that your unhappy country hath suffered. Be assured I am no stranger to such feelings; my mind has been on the rack of torture to vent itself to you—my heart hath bled for you, without an ability to express the language of expedience, or wisdom. I have often been led to suppose, from the suggestions of timidity, that *things would come about and times turn better of their own accord.* But this is the language of dispair; this is the fainting hope of the dispirited anchorite; this is the whining of a schoolboy to the relentless tyrant: This is praying to Jupiter, without putting our shoulders to the wheel.

Trust me, my fellow countrymen, I have no design in addressing you but for our mutual good. I am equally to enjoy or to suffer with *you.* But the God of fate hath blown a blast inimical to our salvation—The sun of North Carolina hath already set—Clouds and thick tempest compasses and we are the weary wandered in midnight darkness.

My present object is, with modest diffidence, to suggest to you the necessity of an appeal to the minority of the state. I may be mistaken, but I address you from the fixed conviction of my soul, that you are at this instant a ruined people. Tyranny and oppression may with tardy step approach you, but anarchy and confussion are at hand. The consequences, which in all human probability, must await the rejection of the constitution are to the last degree menacing from all quarters.

Let us endeavour to draw the curtain of our fate, let us hold the mirror up to nature. Let us discover the accused authors of our misery; let us with undaunted steadfastness view the dreadful situation of our country. Let us examine her wounds; and let us then see, if there is no *balm in Gilead,* if there is no healthful restorative to revive her decayed vigour.

While with the love of a brother I expect you will pardon my rashness, in attempting a subject of such momentous consequence, allow me to call upon you all to offer your mite, in the same blunt manner with myself. Let us communicate freely our sentiments to the world and to one onother.

The indignant feelings of a mind unacquainted with reproach hath roused me to address you. Will you permit a soldier who hath served you, who bleeds with the wounds of his country, in the hour of danger to come forward? Will you permit an humble citizen? and who in each respect, in the hour of peace or war, will not be daunted by the arm of power, who is feelingly alive to the distresses of his parent; who will ever be bold to brand the villainy of men in office; and who as long as he hath a hand to act, a tongue to speak, or a heart to flutter, shall be ready to serve you as

A CITIZEN *and* SOLDIER.

August 20, 1788.

A REPLY TO "A CITIZEN AND SOLDIER"[13]

Mess. Hodge & Wills,

A SMALL pamphlet, signed, "A CITIZEN and SOLDIER," addressed to the inhabitants of Edenton district, lately fell into my hands. I do not know who wrote it, nor where it was printed, but it was brought from Edenton to Halifax. The writer asserts, that I called the Members of the Grand Convention, generally, and General Washington and Colonel Davie, in particular, *scoundrels*. To this I answer that I never said so of the whole, or any one of these gentlemen. I know as little of many of the Members of that Convention, as this angry soldier (who perhaps never drew a sword in the service of his country) knows of me; therefore it would have been wrong for me to call them scoundrels. As to General Washington, I have long thought and still think him the first and best character in the world. As to Colonel Davie, I have a personal regard for him; I *think* him an honest man and a valuable member of the community, and I *know* him to be a man of genius, and knowledge in his profession. To make short of the matter, I swear that nothing can exceed the respect I bear for these two gentlemen, unless it be my scorn and contempt for the "CITIZEN and SOLDIER."

Be pleased to publish this in your paper, and you will oblige, gentlemen, your most obedient servant.

WILLIE JONES.

Halifax, October, 1788.

CALLING WILLIE JONES TO SUPPORT THE INJURED COUNTRY[14]

To WILLIE JONES, Esquire.

A PUTANIST in oaths has as little credit given to his off-hand swearing as a common prostitute, when she bridles up, acts the prude and lectures on chastity. Your seeming scorn and spurn at the Soldier and Citizen, is but a poor evasion. It is true it is a clumsy performance; it charges heavily; stand forward, answer it, give reputation to your 182 who negatived the learned labour of the choicest worthies of our Empire. Produce to public view your thoughts, your wisdom, your objections to the code handed us from the Federal Convention; or like the grave digger in Hamlet, confess your self: Or in a manly, honest manner, make the best apology in your power.

You are a member of the General Assembly, have unburthened yourself of the burthen of being a Councilor of the state; call together, em-

[13] *The State Gazette of North Carolina,* October 20, 1788, p. 3, c. 2.
[14] *The State Gazette of North Carolina,* October 27, 1788, p. 1, c. 1.

battle your myrmidons, head and command them, redress, if possible, your errors, bring forward a new and second Convention, and with a clean mouth and sweet blood, assist and support the country you have injured, to peace, happiness and honour; to a stand and rank amongst the civilized trading nations of the earth: Then you may once more be seated in the breast of

An HONEST MAN.

October 23, 1788.

BOOK REVIEWS

JEFFERSON AND THE EMBARGO. By Louis Martin Sears, Ph.D., Professor of History in Purdue University. (Durham: Duke University Press, 1927. Pp. xii, 340. $4.00.)

In the first two chapters of *Jefferson and the Embargo* Professor Sears analyzes Jefferson's views on international law and his doctrine of pacifism as the philosophic background out of which the theory of the embargo was developed. In the next three chapters a personal study of the embargo is made. The story of its enactment, its administration, the opposition to it, its success and failure are succinctly told. Then follow three chapters which treat of the attitude of the three sections toward the embargo. Two chapters deal with the embargo in its relation to British politics and industry, and one with France and the embargo. A short summary of the author's views on the nature and operation of the embargo completes the volume.

The bibliography and foot note references show that the author has read widely in the manuscripts, published sources, and contemporary newspapers. With the great mass of material so gathered he has given us a volume of decided merit. The style is delightful, and the book holds the interest of the reader throughout. There is, however, little new in the interpretation of the events treated. The merit of the book is found in the exhaustive study of the materials and the convincing manner in which the story is told.

Professor Sears believes that the embargo "put to the test perhaps the most perfect substitute for war up to that time devised" (p. 3). This idea and the belief that Jefferson in urging the embargo "was pursuing not a hasty opportunism, but rather the logic of his entire philosophy of life" seems to have inspired the study. The embargo was not adopted merely as a protective and defensive measure but also as an aggressive and coercive weapon, which, its author believed, would go far toward ending the great curse of war.

The study shows Jefferson to have been a more efficient administrator than is generally conceded. It reveals further that he was led by the embargo to champion commerce and manufacturing, whereas the common belief is that he neglected both in favor of agriculture.

The most interesting and enlightening chapters of the book are those which deal with its operation and enforcement and the attitude of the sections toward it. These show that the support of the measure was more generous, that there was less suffering, and that there was a more rapid development of manufacturing as a result of the embargo than is generally conceded. The administration of the embargo is thought to have been remarkably efficient, but broke down because of its dependence upon the state executives. The opposition is found to have been partisan, selfish, and sectional. The South is shown to have suffered more than the other sections, yet to have been more loyal in support of the measure. The Middle Atlantic States suffered least and reaped the most immediate benefits through the rise of manufactures. And New England suffered immediate loss, offered most serious opposition, but received the most permanent benefits.

The chapters on England and the embargo reveal that the act caused much discontent and suffering and came nearer to ultimate success than its author understood, or than was pleasing to his enemies. A combination of circumstances caused its failure. Among these were the opposition of New England, the failure to enforce rigidly the law, the opening of Spanish colonial trade, and the short time in which the measure was in operation. Mr. Sears believes that he has demonstrated that Jefferson was correct in his view that the embargo would cause suffering among the people of England, who would force the government to make concessions, and that if the measure had been maintained a sufficient length of time it would have succeeded.

Some minor criticism may be offered. There is some repetition of thought and language as on pages 30 and 31 in the discussion of the embargo and international law. The chapters on England and the embargo treat more of the effects of the British Orders in Council than of the embargo. The author seems to accept the myth of the Mecklenburg Declaration which many believe to have been exploded. If evidence in regard to the enforcement of the embargo had been drawn more largely from trade and custom records than from secondary accounts the conclusions would have been more convincing. These criticisms, however, do not mater-

ially detract from the merit of the book which is the most satisfactory treatment of the subject known to the reviewer.

The appearance of the book is neat and attractive, though some few typographical errors are noticed. On page 164 a line is repeated and others are omitted. The footnotes on page 212 and 213 are incorrectly numbered. The date of the reference to the *Quarterly Review* on page 324 is missing. The bibliography is helpful and suggestive and the index adequate.

University of North Carolina. F. M. Green.

Pinckney's Treaty. By Samuel Flagg Bemis. (Baltimore: The Johns Hopkins Press. 1926. Pp. xii, 421. $3.00.)

The Johns Hopkins University Press has published the Albert Shaw Lectures in Diplomatic History for the year 1926, delivered by Professor Samuel Flagg Bemis of the George Washington University. The work is a technical study of a complicated incident in the diplomacy of the early period of our republic. It is therefore primarily an historical study for the historian. The author successfully maintains the advantage gained by America as a result of Europe's distress in the years 1783 to 1800.

As indicated by the title, the central theme of the work is the difficult series of negotiations between the representatives of the United States and of Spain. Faithfully adhering to this purpose, the author treats in detail of the expressed attitudes of the two governments upon the chief points at issue. The recognition of American independence and the making of an alliance, the settlement of the southwestern boundary issue, and the question of the Mississippi River are all made to appear not as purely American problems but as parts of the larger systems of world politics. The author, incidentally, by implication scouts the idea of possible American isolation. The agreement of San Lorenzo is carefully analyzed and authoritatively commented upon in such a way as to persuade the reader that the author is not only capable of fine historical judgment but is also conversant with American interpretations of international law.

The technical character of the theme is pleasingly relieved by the occasional appearance of effectively drawn character sketches

and picturesque incidents. The Count of Floridablanca, John Jay, Diego de Gardoqui, James Wilkinson, and Thomas Pinckney of South Carolina, are all vividly portrayed.

Professor Bemis is adept in the utilization of manuscript materials and printed documents. He has diligently searched the libraries of Europe and the United States for evidence which he has assembled to present a very complete thesis. The book is rich with citations and passages quoted from rare documents. The difficult questions of geography are illustrated and made clear by means of a photostatic reproduction of original maps.

CHAPEL HILL, N. C. K. C. FRAZER.

TERRITORIAL FLORIDA JOURNALISM. By James Owen Knauss, formerly Professor of European History and Political Science in the Florida State College for Women. (DeLand, Florida: The Florida State Historical Society, 1926. Pp. xiii, 250.)

This is publication No. 6 of the Florida State Historical Society, and was made for the Society by the Yale University Press, under direction of Carl Purington Rollins. The edition is limited to 360 copies. In undertaking this work, Professor Knauss shows how correct was his viewpoint in his preface, (p. ix):

> Before a historian history of Florida can be written, much preliminary work must be done. Source materials for the various periods must be located, and many monographs on special subjects must be written. This monograph endeavors to locate one item of source material, the newspapers, for a comparatively brief period in the history of Florida, the so-called territorial period extending from July, 1821, to June, 1845.

But the author and compiler has done much more than indicate one item of source material. He has first given a chapter on "Territorial Florida" in which is given in graphic language a description of the development of the territory from 1821 to 1845. In this all too short chapter is told something of the political, social, and economic development, with the founding, rise, and decline of towns. In his second chapter, Doctor Knauss breaks directly into his subject. "The Newspapers" (pp. 15-46) is a history of the founding, life, and in many instances, death of the forty-five news-

papers that were published in Florida before July, 1845. This chapter is divided into sections as follows: introduction; newspapers of St. Augustine; newspapers of Pensacola; newspapers of Tallahassee and vicinty; newspapers of the Apalachicola district; newspapers of Jacksonville; newspapers of Key West; newspapers of political parties; circulation of territorial newspapers; advertisements and rates; size and value of printing establishments; and editorial on the press of Florida—the last by Gautier in the *St. Joseph Times* of June or July, 1839. In this chapter, we learn that the first newspaper published in Florida, after the United States took possession, was the *Florida Gazette,* of St. Augustine, the first number of which appeared on July 14, 1821—a good example of the activity of the press in the United States. Interesting as is this chapter, perhaps the last one (pp. 47-80) on the "Newspaper Men" is still more interesting, for here Professor Knauss is dealing with personalities from many sections of the country. As one might expect, certain of these men stand out prominently from their fellows, both as editors and as to their other activities. Where did these men come from? Professor Knauss tells us that of the thirty-three men whose birthplace is known, ten came from New England, seven from the Middle Atlantic States, two from the District of Columbia, eleven from the states south of the Potomac and the Ohio, and three from foreign countries. Among the most prominent were William Hasell Hunt, Joshua Knowles, Joseph Clisby, Cosam Emir Bartlett, Elias and James M. Gould, Samuel Shute Sibley, William Adee Whitehead, Benjamin Drake Wright, Charles Edgar Dyke, and Peter Gautier. Many of the editors engaged in other activities, some being ministers of the gospel and others entering public political life. Professor Knauss's narrative shows that perhaps no where in the United States did the editors have a more profound influence than in Florida.

Following the three chapter are appendices. These consist of "An alphabetical List of Newspapers published in Florida before July, 1845"; "A chronological List of Florida Newspapers published before July, 1845, with a Checklist of all Copies located"; and "Extracts from the *Times* of St. Joseph and the *Floridian* of Tallahassee relative to the debates, etc., of the St. Joseph Convention of 1838 and 1839 which drew up the first State Constitution

of Florida." There is also a bibliographical list of books consulted by Professor Knauss and a good index.

This is an important work for the history of the South, and one of the few adequate treatises on the newspapers of a given section in the United States. The three chapters are virtually source material for the student and the appendices are very important from every point of view. The extracts from the debates of the St. Josephs Convention bring to students for the first time a knowledge of much of what occurred at that convention. This is information not contained, for instance, in the book purporting to report the proceedings of the convention. They are also the first reportorial work done in Florida.

Portraits are inserted of three of the most influential editors, namely Benjamin Drake Wright, William Adee Whitehead, and Charles Edgar Dyke. In a specially prepared pocket have been added fac-similes of the first sheet of six territorial papers, namely, *Florida Gazette,* Vol. I, No. 3, St. Augustine, July 28, 1821; *East Florida Herald,* Vol. I, No. 19, St. Augustine, January 4, 1823; *Pensacola Gazette and West Florida Advertiser,* Vol. I, No. 2, March 20, 1824; *The Floridian,* Vol. I, No. 7, Tallahassee, November 18, 1828; *Jacksonville Courier,* Vol. I, No. 5, Jacksonville, January 29, 1835; and *St. Joseph Times,* Vol. III, No. 17, March 23, 1839.

Throughout, Doctor Knauss has performed careful, pioneer work, which will be a real help to students of Florida's history during the territorial period. A companion volume is needed that will discuss the papers since statehood, and it is hoped that Doctor Knauss will one day undertake this.

JAMES A. ROBERTSON.

TACOMA PARK, MD.

CENTENNIAL HISTORY OF DAVIDSON COUNTY, NORTH CAROLINA. By Rev. Jacob Calvin Leonard, D.D. (Raleigh: Edwards & Broughton Company. 1927. Pp. xvi, 523. $3.50.)

The late Anatole France tells us that when he undertook to compose his history of the Penguins, he felt very keenly his lack of technical training for the job. Accordingly he sought advice from the Best Minds in the historical profession. Some of these Best

Minds, especially among the moderns, were not of much assistance, but one surviving historian of the old school proved helpful in a high degree. "Do not," said he, "be original. An original historian is the object of distrust, contempt, and loathing from everybody . . . . One word more. If you want your book to be well received, lose no opportunity for exalting the virtues on which society is based—attachment to wealth, pious sentiments, and especially resignation on the part of the poor, which latter is the very foundation of order. Proclaim, sir, that the origins of property—nobility and police—are treated in your history with all the respect which these institutions deserve. Make it known that you admit the supernatural when it presents itself. On these conditions you will succeed in good society."

These judicious rules, to which M. France declares he paid good heed, have also been well observed by the Rev. Dr. J. C. Leonard in his "Centennial History of Davidson County." Doctor Leonard's book, it is safe to say, will never offend any one on the score of originality. If he has lost any opportunity for "exalting the virtues on which society is based," I am not aware of it. Indeed whole chapters of his book are pregnant with the most approved patriotic and moral teaching. Property, nobility (in the American sense—i. e., according to Bradstreet), and the police power are treated with respect enough to satisfy the late Judge Gary. The supernatural is not only admitted—it is categorically affirmed. If no first class miracles are recorded, it does not follow that Providence has not been active. If no streams have been dried up to accommodate armies, both the Catawba and the Yadkin were flooded specifically to plague Cornwallis. Orthodox folk, I'm sure, will be glad to hear this. Spiritualists, too, will be delighted—one reads that there are ghosts on Abbott's Creek which heave barrels of money to and fro and otherwise disport themselves with great abandon.

Doctor Leonard, then, has carefully observed the rules which M. France found of so much assistance. But whereas the result in M. France's case was a most happy one—"Penguin Island" being an authentic masterpiece—Doctor Leonard has not been nearly so fortunate. Possibly the people of Davidson County, being of different racial stock from the Penguins, are really not well adapted to

treatment according to M. France's formula. At any rate, I believe that Doctor Leonard's work would have had more value had it been written more in the modern critical spirit, with less conscious endeavor to edify and to inculcate the standard virtues, and with a bit more attention to literary style.

I am aware, of course, that in making the above observations I may seem ungracious. I have indeed been judging a frankly provincial work by somewhat extra-provincial standards. Considered merely from a local point of view, Doctor Leonard's book is, I suppose, deserving of high praise. It is a well printed and handsomely bound volume of over five hundred pages, divided into eighteen chapters, and contains quite a wealth of local historical information. The story of Davidson County from its settlement to its present status is told in simple and fairly readable narrative. There are fifty full-page illustrations. Doctor Leonard has, in fact, brought to his task not a little research and zeal. His interpretations of the supernatural I cannot indeed vouch for, but when he sticks to worldly matters he is usually accurate enough. Among the subjects treated at length are county officials, county newspapers, the county's most conspicuous sons, banks, factories, schools, churches, farms and farm products. There is a chapter devoted to Lexington, the county seat, and another to Thomasville, —the county's two most important towns. There is a chapter on Daniel Boone, who once resided in Boone township, and hence may be claimed as the county's most distinguished citizen. There is a chapter on General Greene's historic march across the county in the days of the Revolution. There is an interesting chapter on the racial origin of the Davidson folk, most of whom, it seems, carry more than a trace of German blood. The final chapter deals with Davidson's place in the sun—the author maintaining in true chamber of commerce fashion that Davidson is a great county in a great state.

Doctor Leonard's book, as I have already said, could have been better done. But when I reflect on how little encouragement our people have heretofore given to this sort of work, and when I consider how much interesting and valuable material Doctor Leonard

has collected for some future Tar Heel Tacitus or Macaulay, I am tempted to ignore the canons of cold criticism and give three whoops for what is after all probably the best North Carolina county history yet written.

Charles Lee Snider.

Denton, N. C.

BOOKS RECEIVED

John Paul Jones: Man of Action. By Phillips Russell. (New York: Brentano's. 1927. Pp. x, 314. $5.00.)

The Spanish-American Frontier: 1783-1795. The Westward Movement and the Spanish Retreat in the Mississippi Valley. By Arthur Preston Whitaker, with an introduction by Samuel Eliot Morrison. (Boston and New York: Houghton Mifflin Company. 1927. Pp. xii, 255. $3.50.)

The Hugenots of Colonial South Carolina. By Arthur Henry Hirsch. (Durham: Duke University Press. 1928. Pp. xv, 338. $5.00.)

Henry Adams of Somersetshire, England, and Braintree, Massachusetts. His English Ancestry and some of his Descendants. Compiled by J. Gardner Bartlett. (New York. 1927. Pp. xv, 170.)

HISTORICAL NEWS

The North Carolina Historical Commission receives requests for early numbers of the *North Carolina Manual, Proceedings of the State Literary and Historical Association, The North Carolina Booklet,* and the *North Carolina Day Program.* These publications are out of print. Anyone possessing duplicates of any of these publications is requested to send them to A. R. Newsome, Secretary of The North Carolina Historical Commission, Raleigh, N. C. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in the collections of libraries and students.

Back numbers of the *North Carolina Historical Review* may be secured from the Secretary of the North Carolina Historical Commission, at the regular price of $2.00 per volume or 50 cents per number.

Hon. W. N. Everett, Secretary of State since 1923, died in Raleigh on February 7, 1928. Mr. Everett was appointed a member of the North Carolina Historical Commission by Governor Morrison in 1923 to fill the unexpired term of J. Bryan Grimes, and in 1927 was appointed to a full six-year term by Governor McLean. So cordial was his good fellowship and so active his interest as vice-chairman and member of the executive committee that his death is a distinct personal and official loss to the Commission. Possessed of rare public spirit, fine discrimination, sound judgment, and alert interest, he cast his influence in the councils of the Historical Commission, as well as the State, on the side of progress, expansion, and achievement. His interest was not more active in the making than in the preservation of the history of his State. Thoroughly appreciative of the value of manuscript records and convinced of the duty of the State to promote its own history by preserving and making them available, he was ever zealous and faithful in furthering the work of the Historical Commission. Due to his co-operation as Secretary of State, the Capitol was literally cleaned by the transfer to the archives of the Commission of great quantities of invaluable manuscript records dating from the eigh-

teenth century. The members and secretary of the Commission attended the funeral in Rockingham, February 9.

Miss Adelaide L. Fries, of Winston-Salem, was elected by the North Carolina Historical Commission on February 10, as a member of the editorial board of the *North Carolina Historical Review* to fill the vacancy created by the death of Dr. Charles L. Coon of Wilson in December, 1927. For a number of years Miss Fries has been doing notable work in the history of North Carolina. She is the author of the following volumes: *Forsyth County* (1898); *Historical Sketches of Salem Female Academy* (1902); *The Moravians in Georgia, 1735-1740* (1905); *Town Builders* (1915); editor of *Records of the Moravians in North Carolina,* Vols. I-III, published by the North Carolina Historical Commission (1922-1927); and co-author with J. K. Pfohl of *Moravian Church Yesterday and Today* (1926).

The forty-second annual meeting of the American Historical Association was held at the Willard Hotel in Washington, December 28-30, 1927. Members of the history departments of the University of North Carolina, Duke University, and the North Carolina College for Women, and the Secretary of the North Carolina Historical Commission were in attendance from North Carolina. Professor J. Holland Thompson, a native North Carolinian who is professor of history in the College of the City of New York, gave a delightful luncheon to the North Carolina historians and to Professor William E. Dodd of the University of Chicago. Professor Dodd delivered an address on "The Drift of Agriculture in the United States" at the dinner of the Agricultural History Society, which was meeting jointly with the Association.

The chief accessions to the manuscript collections of the North Carolina Historical Commission during the months of December, 1927-February, 1928, were: seventy manuscript volumes and more than one thousand pieces of Johnston County records; one volume of Tryon County records; six issues of the *North Carolina Spectator and Western Advertiser* (Rutherfordton), 1831; 526 pages of transcripts and seven photostat copies of maps relative to eighteenth century North Carolina, from the London Public Record

Office; 1914 pages of photostats of North Carolina material in the General Archives of the Indies at Seville; and a collection of John D. Whitford papers, comprising a manuscript history of the *Biblical Recorder* and the Baptist Church at New Bern, pamphlets and seven hundred manuscripts relating to the Atlantic and North Carolina Railroad, 241 scattered issues of North Carolina newspapers from 1865 to 1905, and one thousand personal and Civil War papers.

Dr. John Spencer Bassett, professor of history in Smith College since 1906 and one of the leading historians in the United States, was killed by a street car, January 26, in Washington, D. C., where he was attending a meeting of the Allied Council of Learned Societies. Professor Bassett was born in Tarboro, N. C., September 10, 1867, and educated at Trinity College and Johns Hopkins University. He was professor of history in Trinity College from 1893 until 1906, when he went to Smith College, at Northampton, Mass. While at Trinity College he edited the *South Atlantic Quarterly,* 1902-1905, and began a remarkable career as a writer and editor of scholarly historical works. No North Carolinian has equalled his output of reputable works on state and national history. He was the author of the following: *Constitutional Beginnings of North Carolina* (1894); *Slavery and Servitude in the Colony of North Carolina* (1896); *The Regulators of North Carolina* (1896); *Anti-Slavery Leaders of North Carolina* (1898); *Slavery in the State of North Carolina* (1899); *The Federalist System* (1905); *The Life of Andrew Jackson,* two vols. (1911); *A Short History of the United States* (1913); *The Plain Story of American History* (1915); *The Middle Group of American Historians* (1917); *The Lost Fruits of Waterloo* (1918); *Our War with Germany* (1919); *Selections from the Federalist* (1921). He edited the following publications: *Writings of Col. William Byrd of Westover, in Virginia, Esq.* (1901); *Correspondence of George Bancroft and Jared Sparks* (1917); *The Westover Journal of John A. Selden, Esq.* (1921); *Major Howell Tatum's Journal* (1921); *Letters of Francis Parkman to Pierre Margry* (1923); *The Plantation Overseer, as Shown in his Letters* (1925), and *The Correspondence of Andrew Jackson,* six vols. (1925-). Professor Bassett was a fellow of the Royal Historical Society (London) and a member of the

American Historical Association, the National Institute of Arts and Letters, the American Academy of Arts and Sciences, the Massachusetts Historical Society, and the American Antiquarian Society.

The North Carolina Society of the Sons of the American Revolution was organized in Rocky Mount on February 6 by a number of members from various towns in the State. North Carolina was the only state without an organization of this society. Mr. J. Harrison G. Otis of Rocky Mount was largely instrumental in forming the organization, and was elected its first president. The members were honor guests in the evening at the weekly luncheon of the Current Topics Club, where short addresses were made by Frank B. Steele, secretary-general of the national organization, and A. R. Newsome, secretary of the North Carolina Historical Commission.

The Hall of History has recently secured three Civil War flags, which were captured by United States troops in the 1860's. On December 16, Col. Fred A. Olds, Collector of the Hall of History, and a delegation of Confederate veterans headed by Gen. S. S. Ashe of Tarboro, appointed by Governor McLean, received the flag of the 54th North Carolina Regiment, which was presented in Washington by Governor Brewster of Maine and LeRoy W. Carlton, Judge Advocate of the Maine G. A. R. Senator Lee S. Overman responded for Governor McLean to the presentation speech of Governor Brewster. The Maine and North Carolina delegations were later received by President Coolidge at the White House.

On January 12, at Trenton, Governor Moore of New Jersey and Frank O. Cole, past commander of the New Jersey G. A. R., presented the flag of the 2nd North Carolina Volunteers and a company flag of the "Surry Marksmen" to Gen. Albert Cox of Raleigh, who was designated by Governor McLean to receive the flags for the State.

Dr. Archibald Henderson is the author of a series of articles in the Sunday editons of the *News and Observer* and other state papers as follows: Hamilton Chamberlain Jones, Sr., December 11, 1927; Andrew Jackson, December 18; Samuel A'Court Ashe,

December 25; Early North Carolina Historians, January 1, 1928; John H. Wheeler, January 8; Moore's History of North Carolina, January 15; Francis Lister Hawkes, January 22; Moses Ashley Curtis, January 29; Charles Ashley Curtis, February 5; Daniel Boone, February 19; and Isaac Shelby, February 26.

A History of North Carolina in the War Between the States, Volumes I and II. Bethel to Sharpsburg, by D. H. Hill, is being distributed by the publishers, Edwards & Broughton Company, Raleigh. In 1916, the Historical Commission became the trustee of a fund of $25,000.00 donated by Robert H. Ricks of Rocky Mount to the North Carolina Division of the United Confederate Veterans for the preparation of a history of North Carolina's part in the Civil War. Dr. D. H. Hill, president of the State College of Agriculture and Engineering, was secured for the work; and from July 1, 1916, until his death in 1924, he labored diligently in the preparation of this history. The Ricks Fund was exhausted in 1922, but the Historical Commission made it possible for Doctor Hill to continue the work. At the time of his death, Doctor Hill had completed the history through the battle of Sharpsburg. In 1925, the Historical Commission made arrangements with Professor J. G. deR. Hamilton, of the history department of the University of North Carolina, to edit the volumes for publication and to write an introductory chapter on the beginning of the war and its causes. In May, 1926, a contract was made with the Edwards & Broughton Company to publish and distribute the work. The two volumes contain 436 and 466 pages, respectively. They were written from the sources, are amply documented, and should constitute the definitive military history of North Carolina in the early part of the Civil War. The price of the two volumes is $7.50.

In January, the New Bern Historical Society began the work of marking twenty-one historic spots in the city of New Bern with wooden markers of cypress wood painted white with appropriate inscriptions in black.

The North Carolina Gettysburg Memorial Commission, authorized by the General Assembly of 1927, met in Raleigh on January 30 and awarded to Gutzon Borglum the contract for a memorial to be erected on the Gettysburg battlefield to the soldiers of North

Carolina who fought in the battle. The legislature appropriated $50,000 for the memorial and gave to Governor McLean, as chairman *ex-officio,* the authority to name the commission of fifteen, five of whom should be members of the North Carolina Division, U. D. C., and five of the North Carolina Division, U. C. V. The members of the Commission are: Mrs. Marshall Williams, Faison; Mrs. J. Dolph Long, Graham; Mrs. Felix Harvey, Sr., Kinston; Mrs. L. B. Newell, Charlotte; Mrs. Glen Long, Newton; Col. A. H. Boyden, Salisbury; D. Stewart, Laurinburg; Capt. S. S. Nash, Tarboro; H. C. McQueen, Wilmington; Col. Virgil Lusk, Asheville; Col. Albert Cox, Raleigh; W. A. Erwin, Durham; G. P. Burgwyn, Woodland; A. L. Brooks, Greensboro; and Major W. C. Heath, Monroe. The advisory commission, which recommended the model of the memorial that was accepted, is composed of W. W. Fuller of New York, Major Bruce Cotten of Baltimore, and Daniel M. Barringer of Philadelphia.

Mr. W. E. Stone, head of the history department in St. Mary's School for twenty-five years, died at his home in Raleigh, January 14. D. H. Bacot, who holds the degree of doctor of philosophy from Harvard University, has succeeded Mr. Stone.

The members of the history departments of the University, Duke University, Wake Forest College, State College of Agriculture and Engineering, North Carolina College for Women, and Meredith College, and the Secretary of the Historical Commission, attended a joint dinner in Durham, March 10.

The following appointments have been made in the history faculty of the summer school at the University: Professors H. C. Mitchell of the University of Maine, both sessions; Theodore H. Jack of Emory University, and A. M. Arnett of the North Carolina College for Women, first session; and C. W. Ramsdell of the University of Texas, second session.

Members of the history department of the University have been engaged to teach in summer schools as follows: J. G. deR. Hamilton, University of Michigan; R. D. W. Connor, University of

Chicago; F. M. Green, University of Tennessee; and K. C. Frazer, University of Alabama. Professor W. E. Caldwell will teach in the first session and E. J. Woodhouse in the second session of the University summer school. Professor M. B. Garrett will spend the summer in research at Cornell University.

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Dr. Wm. H. Weathersby is a professor of history in Mississippi College.

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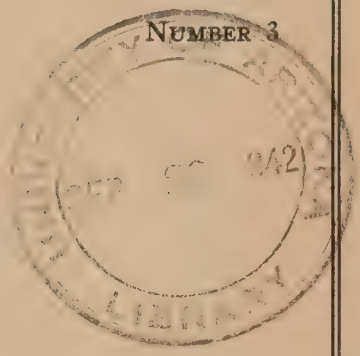

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THE NORTH CAROLINA HISTORICAL REVIEW

VOLUME V JULY, 1928 NUMBER 3

THE PRESERVATION OF ARKANSAS HISTORY*

By DAVID Y. THOMAS

June 27, 1806, the legislature of the territory of Louisiana passed an act creating the district of Arkansas of uncertain boundaries. After the admission of Louisiana as a state, Arkansas remained a part of Missouri until 1819, when it was made a territory with the capital at Arkansas Post, not far from the mouth of the Arkansas River. The secretary, Robert Crittenden, of Kentucky, arrived some time before the governor, James Miller, of New Hampshire, and at once called a session of the legislature, which consisted of himself as acting governor and the three judges of the superior court, to meet, July 28, 1819. Later he ordered an election to be held on November 20 for five members of the council and nine members of the house of representatives, and this elective body met the following February. October 18, 1820, Governor Miller signed an act which provided that the capital should be Little Rock, where the speaker of the house and some other politicians had already looked after their interests, or soon did so. In 1836 the territory was admitted to statehood. Such was the beginning of the history of Arkansas as a separate political organization.

The first constitution (1836) required the secretary of state to "keep a fair register of all the official acts and proceedings of the governor and, . . . when required, lay the same and all minutes, papers and vouchers relative thereto before the General Assembly." An act of 1838, still quoted in the Digest but practically obsolete, required him to have bound, "three copies of the acts of the general

* The material for this paper was secured mainly from *Arkansas State Publications* (Washington), the *Publications of the Arkansas Historical Association*, interviews with and letters from state officials, state publications, and an incomplete examination of the archives at Little Rock.

assembly of the State and the acts of every other State of the United States, and the state papers and documents of the United States." The current Digest, based partly on the constitution (1874) and partly on legislative acts, provides that the secretary of state "shall reside and keep all public records, books, papers, and documents which may pertain to his office, at the seat of government" and receive "from the secretary of the senate and the clerk of the house of representatives the records, books, papers, and rolls of the general assembly as soon as approved by the governor" and hand over copies thereof to the public printer.

None of these provisions required the secretary to print any report, nor does any such requirement seem to have been made by law prior to 1895, though the custom of publishing a biennial report was begun long before that date. The act of 1895 required that this report shall contain "a full record of the official business transactions of his office for the two preceding years, together with such statistical and historical information, taken from the records and archives of his office, as will be useful and instructive to the citizens of the State."

This is very good, but unfortunately a good deal of valuable space is wasted by reprinting the same thing year after year. For example, more than one hundred pages are taken up with reprinting the complete roster of the legislatures from 1820 to the date of the latest issue, the executive and judicial officers from the creation of each office, and even the county officers from the creation of each county. All this is valuable information, but it seems hardly worth while to reprint it every two years instead of giving the space to other "statistical and historical information, taken from the records and archives." A valuable innovation made by the present secretary, Hon. J. B. Higgins, is the "Biographies of State Officials," somewhat like those found in the Congressional Directory. This probably will be extended in the next "Report" to cover the members of the legislature.

An examination of the archives belonging to the different offices shows that they have been kept with varying degrees of care. Some have been lost for all time, due to one of three causes: carelessness, the fortunes of war, or lack of store room. On the capture of Little Rock by the Federals in 1863 the capital was moved to Washington in Hempstead County; and some of the archives were

hauled there by wagon. It was reported that, when paper became scarce, some of the record books were used in making cartridges. Some not thus used probably never were returned to Little Rock. By the opening of the twentieth century some of the offices had become so crowded that, in desperation, officials dumped out some of the archives and sold them to a dealer to be shipped to a paper mill in St. Louis. Fortunately a few of the more important ones were recovered by individuals interested in preserving our history.

A few examples may be given to show the present condition of the archives. Among the records kept by the secretary of state may be mentioned the following:

Civil Records. These contain lists of state, county, and township officers with dates of commissions. They cover the period from the organization of the territory in 1819 to the present, except 1865 and 1875. It is easy to understand why the Confederate records for 1865 are missing, but hard to understand why those of 1875 cannot be found.

The Executive Register. This gives the appointments, communications, and rewards offered for the arrests of criminals by the governor. Complete since 1838 except for 1871 and 1872.

Pardons and Proclamations. Part of the time these are kept in the Executive Register, part of the time in a separate volume. The collection is fairly complete.

Anti-Trust Records. Since 1899, corporations doing business in the State have been required to file annual reports and affidavits that they have not violated the law. Complete since 1899.

Incorporation Records. Fairly complete, under varying names, since 1868.

Railways. 1. Contracts for rolling stock. Complete since 1893. 2. Assessment Record. Complete since creation of the assessment board in 1868. 3. Annual Report of railways, express, telegraph, and sleeping car companies. Complete since 1884.

Penitentiary Records. Changes in management and method have resulted in scattered and incomplete records. It is doubtful if there are any back of 1880. Some since that date are in the office of the secretary of state, and some are at the penitentiary.

House Journals. Complete in the originals except for 1826-1831, 1834-1842, 1856-1860.

Senate Journals. Complete except for 1824-1833, 1834, 1840, 1850-1851, 1853-1857.

Acts. Complete except for 1821, 1823, 1825, 1827, 1828, 1850-1851, 1854-1855, 1856-1857, 1864 (Confederate). In a few cases where the originals have been lost, printed copies are available.

Legislative Bills and Resolutions. For some time the secretary of state has endeavored to keep copies of all bills and resolutions introduced, but he confesses that his record is incomplete. Most of the bills are never printed, and it is difficult to secure typed copies.

Vetoed Bills and Resolutions. These with the veto messages have been kept since 1923.

Constitutional Convention Journals. The original and printed journals of the conventions of 1836, 1861, 1864, and 1868 were on file in the office of the secretary of state in the old capitol building in 1905, but the secretary reports that the original and printed journals for 1836 cannot now be found. A printed copy was recently secured for the library of the University of Arkansas. The journal of 1874 is in a fine state of preservation, but has never been printed. A convention met in 1917, and adjourned to meet again in 1918. Its journal was not published. The constitution which it drew up with a prefatory address by the convention, was published on very cheap paper. It was rejected by the people.

There are several other records in the care of the state department, their condition being comparable to that of the items mentioned above.

Auditor. An act of 1838 requires the auditor to keep "a letter book in which he shall copy all official letters which may be written by him." The same rule applies to the treasurer. The auditor is also required to "keep all public accounts, books, vouchers, documents, and papers relating the contracts of the state, and its debts, revenue, and fiscal matters" not intrusted by law to some other person. The law does not indicate whether they are to be kept permanently or not, but the presumption seems to be in favor of permanence. In reply to a letter quoting the law and asking about the condition of the archives the present auditor replied that the records are complete in every respect for the period since he took office, but he said very little about the earlier ones. A second letter asking specifically about them brought no reply.

Attorney General. This office does not seem to have been made a separate department with an office in the capitol until 1868. Prior to that time the duties of the office were performed by the prosecuting attorney for the district in which the supreme court sat and probably all the records kept were those filed with the court. The policy with regard to this office seems to have been developed by custom and then sanctioned by law. In 1877 the attorney general was required to "keep a well bound book in which he shall record one opinion of each particular point as given by himself." A clerk of the office reports "a book for 1875." A law of 1911 requires the attorney general to publish a biennial report to the governor and the legislature containing one opinion on each subject and an account of the activities of his office, yet printed reports have been made as far back as 1878. The present reports, however, are much fuller, each comprising a volume of considerable size.

The Supreme Court. This body dates from the organization of the state government in 1836, and its records, both archival and printed, are more nearly complete than those of any other part of the government, unless it be some recently created. Among the records are many papers of the superior court of the territory, some of which are in Spanish. The supreme court library has a complete file of its printed opinions and an almost complete set of the acts of the legislature. This library is a credit to the State.

The General Land Office. Prior to 1868 the duty of looking after the state land devolved upon the auditor. The act of 1868, creating the office of "Commissioner of State Land, Highways, and Improvement," says that the commissioner shall take possession of and have all the books, papers, evidences of title, plats, maps of saline and swamp and overflowed land. Among the more ancient documents he is supposed to have—and did have when located in the old capitol—is Field Notes and Plats of Boundary Surveys, relating to the several surveys of boundaries for Indian lands, and to the Missouri boundary on the north and the Louisiana boundary on the south. The notes relating to the western (Indian) boundary were very important; also, the Sales Records, for all lands sold by the State and by the Federal government. Today the Commissioner deals mainly with tax sales, forfeitures, and redemptions. When asked where his records were kept the gentlemen in charge

replied, "Some in this office, some upstairs, and some in the basement" (catacombs). No effort was made to investigate them.

In 1913 a sort of hybrid was brought into being with the creation of the Highway Commission, with a chairman elected by popular vote, and nominally under the Commissioner of Lands, Highways and Improvements, who in reality had nothing to do with him. This commission is required to make reports, but nothing is said in the law about the preservation of its archives. In practice, applications to the department are kept two years. Surveys are filed away and kept indefinitely. Also, solicitations for federal aid and for contractors' estimates are kept, but the office is crowded to suffocation and it cannot go on indefinitely keeping such records unless it is furnished more room. Many of its records are statistical and have little permanent value.

As other departments, boards, and commissions have been created from time to time, some have been required to keep records, some have not. For example, the superintendent of public instruction was required to "open a suitable office in which he shall keep all books, reports, documents and other papers relating to his office." The board of control for the hospital for nervous diseases is required to "keep in a bound book . . . a fair and full record of all their doings." The state burning board, however, is required to report its "doings" to the auditor; neither he nor the board is required to keep a permanent record. Failure to keep accurate records of their "doings" once proved very embarrassing to an ex-treasurer, T. J. Churchill, who, just after being inaugurated governor, was sued for an alleged shortage in accounts. The defendant claimed that a part of the shortage was due to script erroneously burned by the board.

State Library. The act of March 3, 1838, provides that the secretary of state shall be librarian of the state library and as such shall be custodian of "all books, papers, maps, charts and all other things belonging to the same; and he shall take special care that none of them be lost or injured."

In the old state capitol the wall on one side of the secretary's office was lined with books, many of them not government documents. If the visitor asked for the rest of the library and insisted on seeing it, he was taken, or if a "trusty," was given a key and directed, to the region below, which were aptly called by Josiah

H. Shinn "The catacombs underlying the old state house." The books found there consisted for the most part of government documents, national and state. Getting out a book was, as Mr. Shinn declared, "very much like exhuming a mummy." When the new capitol was in the process of building lovers of books and research workers hoped for better things; but this proved to be the substance of things hoped for, for the the books were merely transferred to the "catacombs" underlying the new state house. Even the few books which were above ground and exposed to the light in the old state house have disappeared, being presumably buried along with the other "mummies" where the archæologist may some day unearth them.

No appropriation is made to support the library or buy any books or magazines for it. It grows some by exchange, perhaps accretion would be a better term. Several years ago an employee of the bill drafting bureau of Wisconsin told the writer that the secretary of state had refused to take out of the express office a shipment of books from Wisconsin and that the bureau had to pay the express on them back to Wisconsin. How much to blame was the secretary of state? He is given no money with which to maintain a library and has no place to put one, if he had it.

There is conclusive evidence that an historical society existed prior to the Civil War, but it left no enduring monument. Between 1870 and 1900 several short-lived societies were organized in Little Rock. The work of one of these survives in a pamphlet of sixteen pages, published in 1881, giving the "Proceedings of the Legislature and of the Historical Society of Arkansas and the Eclectic Society, fixing the pronunciation of the name 'Arkansas.'" In 1903 Professor J. H. Reynolds, who was then occupying the chair of history and political science at the University of Arkansas, organized a society among his students which was later broadened to include members throughout the State and was named the Arkansas Historical Association. The active life of this association was brief; but it, mainly through the heroic and self-sacrificing efforts of Doctor Reynolds, accomplished one notable achievement which gives promise of permanence—the creation of the Arkansas Historical Commission by act of the legislature in 1905.

The law provided that a commission of five, selected from the Association, should supervise the publication of the first volume of

the "Publications" of the Arkansas Historical Association, for which $1,000 was appropriated, and should make a full investigation of the condition of the material relating to the history of the State. To meet the expenses of the latter the sum of $250 was appropriated. The bill was vetoed by Governor Jeff Davis, but was passed over his veto.

The commission consisted of Benjamin S. Johnson, Little Rock, chairman; J. H. Reynolds, Fayetteville, secretary; and R. J. Wilson, Fayetteville; W. H. Langford, Pine Bluff, and C. D. Greaves, Hot Springs. The commission met July 6, 1905, and by the meeting of the next legislature in January, 1907, had ready for it a volume of the "Publications" comprising 509 pages. Although he met with hearty co-operation from the other members of the commission and from several members of the Association, the secretary, who did most of the planning and actually wrote nearly half of it, is due the chief credit for this volume.

This volume is divided into two parts, the first giving an account of the archives, books, manuscripts, papers and documents concerning Arkansas which may be found in public repositories and private collections, both in and out of the State, including Spanish and French archives. This part of the volume is very comprehensive and is extremely valuable to any one seeking to locate material. The second part is devoted to historical papers and bits of source material. Thirty-one pages are given to the official correspondence of Governor Izard, 1825-26. A second volume of 587 pages appeared in 1908, made up of a great variety of papers and more bits of source material, such as the official orders of Governor Harris Flanagin, 1863-64.

Immediately following the publication of this second volume an important forward step was taken in the reorganization of the History Commission on a permanent basis. An act of May 31, 1909, provided for a commission consisting of the chief justice of the Supreme Court, the president of the University, the president of the State Normal, and six other members appointed by the governor and serving for twelve years without compensation except for expenses incurred in attending meetings. Upon the commission the law imposes a long and onerous list of duties:

> SEC. 3. It shall be the duty of the commission to receive, classify and arrange for public use all official archives that may come into its custody;

to take charge of and care for the archives now in the basement of the old capitol and supervise their removal to a new statehouse; to prepare for publication an inventory of official archives in the several departments of state government; to assist the state officials in the removal of their archives to the new capitol; to collect and preserve all files of such newspapers as may be presented to the commission and to bind such of them as the funds of the commission will permit; to have repainted or retouched the old pictures now at the statehouse; to collect the portraits of pioneers, eminent Arkansans, and the pictures of historic homes and scenes; to collect and preserve aboriginal and Indian relics and memorials of the Mexican and Civil wars; to prepare and publish a roster of all troops from Arkansas in all wars in which our people have participated; to collect, classify, and preserve all manuscripts, diaries, journals and papers of historical value pertaining to Arkansas and Arkansans; to collect and prepare for publication data concerning the soldiers from Arkansas in the war between the states and the war with Spain; to have general supervisory control over all excavations of mounds and other places for relics; to select, edit, and publish such state papers as the resources at its command will justify; to co-operate with the secretary of the Arkansas Historical Association in preparing and publishing the future publications of said association; to build up at the state capitol a museum, art gallery and library, rich in the sources of Arkansas history; to submit to the governor a biennial report, setting forth in detail the work of the commission. All records, papers, archives and historical material coming into the possession of the said commission shall be and remain the property of the State; said commission shall act merely in the capacity of a trustee of the State.

The act further provides that "any state, county, or other official is hereby authorized and empowered at his discretion to turn over to the commission for permanent preservation any official books, records, documents, original papers and newspaper files not in current use in his office."

The personnel of the first commission was as follows: Hon. E. A. McCulloch; President John N. Tilluam; President J. J. Doyne, *ex-officio;* and A. C. Miller, Little Rock, James H. Berry, Bentonville (resigned in about a year and replaced by J. E. Wood, Marianna), H. B. McKenzie, Prescott, J. F. Mayes, Fort Smith, and Miss Clara B. Eno, Van Buren. The act authorized the commission to employ a full time secretary for the performance of the duties listed above, but made no appropriation for his salary; neither did it make any appropriation for printing. This was enough to discourage the commission, but its members were not cast down. At their first meeting they made some plans and

elected Professor J. H. Reynolds to act as secretary without salary. While carrying a heavy load of class room work, he prepared the third volume of the "Publications" for the printer and collected some important historical material. The legislature of 1911 passed a bill to pay the secretary, but the governor vetoed it. The commission then struck out boldly and employed Dr. Dallas T. Herndon, of Georgia, as secretary, relying upon the good faith of the next legislature to re-imburse him. Their faith was not misplaced, and Doctor Herndon has been with the commission ever since.

Although the salary of the secretary was provided, the printing fund was inadequate and the fourth volume of the Publications of the Arkansas Historical Association did not appear until 1917. No more publications of this character have been issued; but the secretary has prepared and published bulletins from time to time —some twenty-odd in number. Among those of more permanent value may be mentioned the following:

Bulletin No. 5, a catalogue of papers covering the period 1861-65, mainly military.

Bulletin No. 6, a Roster of Arkansas Soldiers in the Mexican War; Bulletin Nos. 13-16, a Biographical Index, 160 pages, giving references to material relating to the lives of prominent Arkansans. This is particularly valuable for references to newspapers; and Bulletin Nos. 17-20, Index of Newspapers, 181 pages, covering a great variety of subjects.

Besides these Doctor Herndon has prepared and published an *Outline of Executive and Legislative History of Arkansas.* This consists of brief biographies of governors, rosters of the state legislatures (which may be found in the Report of the secretary of state), and a few acts passed at each session of the legislature. Another unnumbered publication is the *Arkansas History Catalogue,* 1922. This has 69 pages devoted to lists of public documents, Arkansas newspapers, and books and pamphlets by Arkansans or about Arkansans. This is followed by eighty-four pages of miscellaneous matter, mostly state and United States publications. There is nothing to indicate where they may be found, but presumably in the rooms of the commission or the State Library.

In 1919 the legislature authorized the commission to collect material relating to the Great War, to enlist the assistance of various organizations interested in preserving its history and to estab-

lish with this material a war museum. A *Catalogue: Arkansas History Museum* (N. D.) in fifty-three pages gives a list of material found in the museum.

This covers the list of publications issued by the commission. Some of these will be very helpful to the investigator in finding material. Very little has been done in the way of publishing source material, for which the funds are inadequate except on a modest scale.

One of the most valuable collections made by the commission is approximately one hundred volumes of files of newspapers. The *Arkansas Gazette* was founded in 1819 and is reputed to be the oldest newspaper west of the Mississippi. The commission has many volumes of this journal, and the Gazette Publishing Company has a valuable supplementary list. A few of the papers cover the Civil War period (most of them suspended publication), and several cover the Reconstruction era. Some abandoned archives have been taken over. While the secretary, due to a lack of space and funds, has not been able to do much in the way of gathering this collection into one place convenient to the investigator, he had prepared a card catalogue to much of the material that will be quite helpful to one in search of biographical and historical information.

Strenuous efforts have been made to complete the roster of the soldiers in the Confederate service, but many of the state records were lost in the war. A committee of the Confederate Veterans spent something like $1,000 in this work and then turned over the results to the history commission. An appropriation to secure photostatic copies of the records in Washington met with the inevitable veto; and the roster, now containing something over 20,000 names, must remain incomplete until the records can be examined.

In addition to the appropriation for the history commission, the legislature of 1921 appropriated $1,000 to meet the expenses of the collection of muster rolls, relics, flags, historical records, etc., to be put in the Arkansas room of the Confederate museum at Richmond. The United Daughters of the Confederacy took charge of the task and fitted up the room, though the act said nothing about who was to do it. In 1923 the sum of $2,500 was turned over to this organization to be used in meeting the expenses of writ-

ing and publishing a book on the part played by Arkansas in the War Between the States. As a result of the act, *Arkansas in War and Reconstruction, 1861-1874,* by David Y. Thomas, was published in 1926.

The foregoing recital of facts indicates that the State has been rather careless in the preservation of its historical material and has done very little toward publishing that which has been preserved. Few, if any, states have done less. It is only fair to the legislature and executive, however, to say that, when the history commission was first created and for a few years thereafter, the state expenditures were considerably in excess of the revenue. But that day has passed. The most pressing needs are a store room, a separate fire proof building for the archives, an archivist to take care of them, and a small sum to provide for the publication of source and secondary material from time to time. For both of these tasks there is a history commission and a secretary ready at hand.

THE FLORIDA INVESTMENTS OF GEORGE W. SWEPSON

By C. K. Brown

In the latter part of the year 1868, while the political affairs of the state of North Carolina were in the hands of the corrupt reconstruction government, George W. Swepson, a native of North Carolina, and Milton S. Littlefield, of New York, secured control of the Western Division of the Western North Carolina Railroad Company,[1] a corporation empowered to build railroads westward from Asheville to Paint Rock and from Asheville to Ducktown near the North Carolina-Tennessee state line.[2]

Subsequently Swepson received $6,367,000 worth of special tax bonds of the state of North Carolina in payment of the State's subscription for two-thirds of the capital stock of the company and for purposes of the construction of the railroads as indicated.[3] The net proceeds of the sale of these bonds amounted to $1,909,486.20. By far the larger part of this sum was misappropriated by Swepson, a very small portion of it being used in making a pretense of beginning the construction of the railroads. The sum of $843,633.39 was invested by Swepson in securities of certain Florida railroad companies. This was the largest item among his various "investments."[4] The pupose of this paper is to trace the story of these Florida investments and the many efforts of the Western Division of the Western North Carolina Railroad Company to recover something from them. If multiplicity of entanglements is any indication of depths of corruption, this story should be one of the choicest chapters in the history of fraud.

From October, 1868, to October, 1869, Swepson was president of the Western Division of the Western North Carolina Railroad Company.[5] It was during that period that he disposed of the North Carolina state bonds and came into possession of the pro-

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[1] Shipp Fraud Commission Report, pp. 212, 213, 233, 234, 281-283.

[2] Private Laws of N. C., Special Session, 1868, ch. 24, p. 27.
The Western Division of the Western North Carolina Railroad Company was a separate corporation from the parent company, the Western North Carolina Railroad Company. By the creation of the former the powers of the latter were limited to the construction of a railroad between Salisbury and Asheville. The road had already been constructed to a point within a few miles of Morganton before the War Between the States.

[3] Bragg Fraud Commission Report, pp. 4, 8, 9.

[4] Woodfin Report, January 10, 1871, doc. No. 21 (N. C.), 1870-71, p. 24.

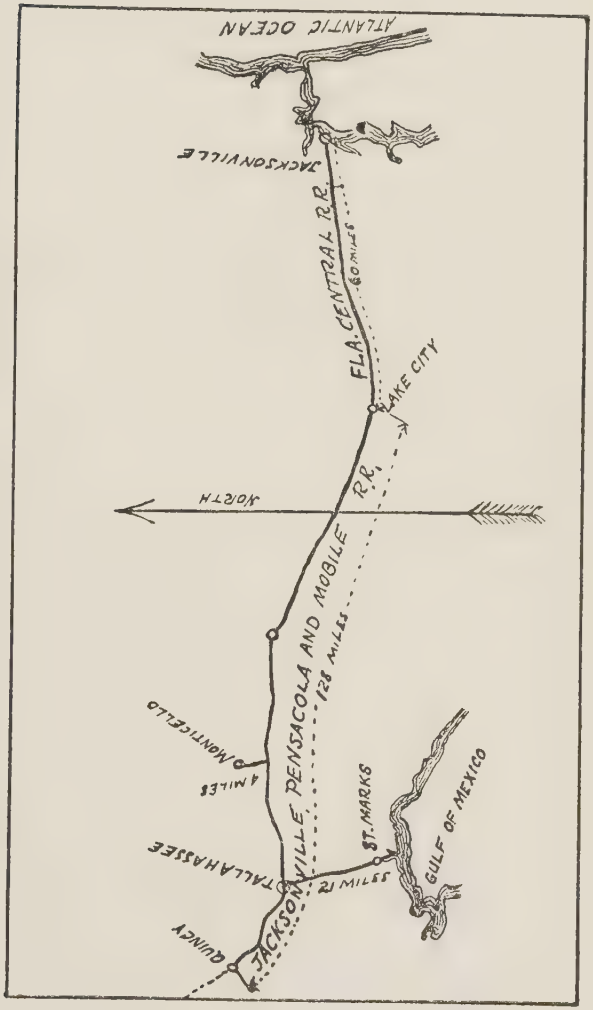
[5] Depositions of C. M. McLoud and G. W. Swepson in Western Division of the Western North Carolina Railroad Company *v.* Drew, Circuit Court of the U. S. for the Northern District of Florida, 1879, pp. 13, 14 (5). (Figures in parentheses refer to re-numbered pages in printed copy.)

ceeds. Early in 1869, Swepson, acting through Edward Houstoun, of Savannah, Georgia, purchased $437,000 out of $550,000 of the capital stock of the Florida Central Railroad Company, which owned and operated a railroad from Jacksonville to Lake City, a distance of sixty miles.[6]. He also bought, through the same party, $807,600 worth of the mortgage bonds of the Pensacola and Georgia Railroad Company and $153,100 worth of the mortgage bonds of the Tallahassee Railroad Company.[7] The Pensacola and Georgia Railroad Company owned and operated a railroad from Lake City to Quincy, Florida, a distance of 128 miles. The Tallahassee Railroad Company owned and operated a short line of 21 miles between Tallahassee and St. Marks, Florida. To pay for these purchases for Swepson, Houstoun drew against the funds of the Western Division of the Western North Carolina Railroad Company on deposit with Soutter and Company, the New York brokerage house which had disposed of the North Carolina state bonds for Swepson.[8]

The Pensacola and Georgia and the Tallahassee railroad companies, being indebted to the state of Florida and failing to meet certain sinking fund requirements, were put up and sold on March 20, 1869, by the Trustees of the Internal Improvement Fund of the state of Florida. Both roads were purchased by Franklin Dibble and associates. It seems that Swepson was the principal "associate," and that Dibble was little more than his agent in the purchase. Dibble bought the Pensacola and Georgia for $1,220,000 and the Tallahassee for $195,000, making a total of $1,415,000.[9] When this purchase was made Swepson turned over to the Trustees the $807,600 worth of Pensacola and Georgia bonds and the $153,-100 worth of Tallahassee bonds in partial satisfaction of the purchase price. All of these bonds were subsequently destroyed by burning.[10] Swepson stated that it was his understanding that Dibble and the other "associates" would pay the balance of the purchase price in order to secure title to the roads. When this did not take place Swepson gave a check for the balance of $472,065. This check was known to be worthless, but it was agreed that for the time being it should be treated as money, it being understood

[6] Application for a Rehearing before the Supreme Court of the U. S., Fla. Central R. R. Co. *v.* Schutte, J. P. and M. R. R. Co. *v.* Schutte, and W. N. C. R. R. Co. *v.* Drew, 1880, p. 3.
[7] Depositions of McLoud and Swepson, *op. cit.*, p. 114 (42).
[8] Depositions of Witnesses, Western Division of the Western North Carolina Railroad Co. *v.* Drew, Circuit Court of the U. S. for the Northern District of Florida, 1878-79, p. 320-22 (113).
[9] *Ibid.*, Exhibit L, No. 3, p. 431 (150).
[10] Depositions of Mc Loud and Swepson, *op. cit.*, p. 37 (13).

This map follows very closely one to be found on page 81 of the Application for Rehearing filed by the Western North Carolina Railroad Company in the Schutte case.



that it was to be paid out of the proceeds of $1,500,000 worth of new mortgage bonds of the two railroad companies, which Dibble and Swepson contemplated issuing.[11] Inasmuch as Swepson thus became the sole owner of both roads, Dibble conveyed them to him on April 22, 1869, under a deed of trust for the payment of the $472,065 to the Trustees of the Internal Improvement Fund and the refunding of $960,700 to Swepson to cover his advance of bonds as a part of the purchase price.[12] The sum due the Trustees was never paid.[13]

Plans were now formulated for consolidating the Pensacola and Georgia and the Tallahassee railroad companies into one corporation. Florida politics were so filled with corruption at that time that it was easy to secure any desired legislation. By an act of the Florida legislature of June 24, 1869, a new corporation, the Jacksonville, Pensacola and Mobile Railroad Company, was created to build a line from Pensacola to Quincy and to consolidate its intended line with the Pensacola and Georgia, the Tallahassee, and the Florida Central railroad companies' lines. This contemplated the inclusion of all the roads from Jacksonville westward in one system. Thereafter the Pensacola and Georgia and the Tallahassee were consolidated into the Jacksonville, Pensacola and Mobile Railroad Company, but the Florida Central never did consolidate or become in any way a part of the new corporation.[14] On January 28, 1870, the Florida legislature passed an act amending the charter of the Jacksonville, Pensacola and Mobile, and providing that eight per cent state bonds should be issued to that company in exchange for the company's mortgage bonds at the rate of $16,000 per mile.[15] It should be noted that the name of the Florida Central Railroad Company did not appear in this act, and since that company had not consolidated with the Jacksonville, Pensacola and Mobile it had no right whatever to receive state bonds in exchange for its own bonds.

Meanwhile, Littlefield had been elected president of the Western Division of the Western North Carolina Railroad Company to succeed Swepson in October, 1869. At that time Swepson turned over to Littlefield all of his rights in the Florida railroads. Swepson

[11] *Ibid.*, pp. 26 (9), 113, 114 (42).
[12] Depositions of Witnesses, *op. cit.*, Exhibit L, No. 4, pp. 442-447 (154, 155).
[13] Depositions of McLoud and Swepson, *op. cit.*, pp. 33, 34 (12).
[14] Depositions of Witnesses, *op. cit.*, pp. 387-89 (135, 136).
[15] Application for a Rehearing, *op. cit.*, pp. 37, 103, 127.

maintained that although the transfer was made to Littlefield in person and individually, it was in fact made in trust for the Western Division of the Western North Carolina Railroad Company, which was the real owner of the rights.[16] Littlefield thus came into full control of the Florida Central Railroad Company by virtue of control of a majority of its capital stock and of the Jacksonville, Pensacola and Mobile Railroad Company by virtue of receiving an assignment of the deed which Dibble had executed to Swepson on April 22, 1869.

In March, 1870, the North Carolina legislature took active steps to recover what Swepson had misappropriated by appointing a commission to investigate all of his affairs in connection with the expenditure of the money of the Western Division of the Western North Carolina Railroad Company and to salvage for that company whatever could be found and attached.[17] This commission, of which N. W. Woodfin was chairman, met Swepson and Littlefield about the middle of April, 1870, for the purpose of making a settlement with them.[18] It was at that time that the fact of Swepson's Florida investments was first brought to the knowledge of the *bona fide* directors of the Western Division of the Western North Carolina Railroad Company. A little later, on May 23, 1870, these directors held a meeting at Warm Springs, North Carolina, and passed a resolution declaring these investments to have been made without the authority of the stockholders or directors and solely as a private investment of Swepson.[19]

At the time of the meeting of the Woodfin Commission with Swepson and Littlefield in April, 1870, an agreement was made according to the terms of which Swepson and Littlefield undertook to secure to the Western Division of the Western North Carolina Railroad Company the money which Swepson had invested in the Florida railroads and certain other funds of the said company which Swepson had squandered or misappropriated. This was to be done by allowing the company, represented by the Woodfin Commission, to receive half of the proceeds of the Florida state bonds which were about to be issued to the Jacksonville, Pensacola and Mobile Railroad Company in exchange for its own bonds at

[16] Depositions of McLoud and Swepson, *op. cit.*, p. 32 (11).
[17] Public Laws of N. C., 1869-70, ch. 108, p. 154.
[18] Woodfin Report, January 10, 1871, pp. 4, 5, 41, 42.
[19] Depositions of McLoud and Swepson, *op. cit.*, pp. 8, 9, (3).

the rate of $16,000 per mile, as already indicated. The Woodfin Commission agreed to give Swepson a final release from all claims as soon as the terms of this agreement should have been carried out as promised.[20] In other words, the Western Division of the Western North Carolina Railroad Company agreed to take one-half of the proceeds of the Florida state bonds as final payment on account of the funds which Swepson had misappropriated. S. W. Hopkins and Company, of New York, was the firm chosen to sell the Florida bonds.

Preparations were then made for the sale of the Florida state bonds. Three thousand eight per cent Florida state bonds were exchanged with Littlefield for a like number of bonds of the Jacksonville, Pensacola and Mobile Railroad Company under the terms of the act of January 28, 1870. Each of these bonds was of denomination $1,000. It is clear that the $3,000,000 worth of Florida bonds thus issued considerably exceeded the mileage of the company multiplied by $16,000. The excess could only have been secured fraudulently, unless, of course, prospective mileage to the westward was included. In addition, Governor Harrison Reed, of Florida, exchanged $1,000,000 worth of state bonds for a like amount of the bonds of the Florida Central Railroad Company, which, as already pointed out, had never been made a part of the Jacksonville, Pensacola and Mobile Railroad Company, and which had not accepted in any way the provisions of the act of January 28, 1870.[21] In fact, consolidation with the latter company appears to have been the only way in which it could have accepted the provisions of the act providing for exchange of bonds. The only semblance of a justification to be offered for this procedure was that the Florida Central intended the proceeds of the sale of the bonds issued to it to be used for the extension of the Jacksonville, Pensacola and Mobile on the west, from which extension it expected to receive considerable traffic and revenue. The point should not be overlooked that Littlefield was in control of both roads. The transaction involving the issuance of the $1,000,000 worth of Florida Central bonds which were exchanged for state bonds grew out of some private dealings of Littlefield with Edward

[20] Woodfin Report, January 10, 1871, pp. 4, 5, 41, 42.

[21] Brief of Facts and Points of Law for Complainants, Western Division of the Western North Carolina Railroad Co. *v.* Drew, Circuit Court of the U. S. for the Northern District of Florida, pp. 6-9.

Houstoun.[22] It seems that Littlefield had become indebted to Houstoun and had deposited with him as security for the payment of this debt the 4,370 shares of Floridia Central stock which belonged to the Western Division of the Western North Carolina Railroad Company. In addition, Littlefield had agreed that Houstoun should have bonds of the Florida Central to the amount of $1,000,000. Sometime later Houstoun undertook to sell the stock, but was prevented from doing so by an injunction sued out by the Western Division of the Western North Carolina Railroad Company. He did, however, receive the $1,000,000 worth of Florida Central bonds, which he and Littlefield issued fraudulently and without authority. They were illegally and dishonestly exchanged with Governor Reed for a like amount of Florida state bonds. Subsequently the entire $1,000,000 worth of Florida state bonds were placed with S. W. Hopkins and Company along with the $3,000,000 worth which had been issued to the Jacksonville, Pensacola and Mobile Railroad Company.[23]

About the time that negotiations were being conducted in an effort to sell the Florida state bonds there appeared in the New York *World* of June 15, 1870, an article written to the editor from Florida stating that the $4,000,000 worth of bonds were a fraud and would be repudiated by the people of Florida. It was argued that the constitution of the state of Florida gave no authority to issue such bonds save for the purpose of "perfecting public works," and that the railroads in question were not public works for the State did not own a single dollar's worth of either of them. In the second place it was contended that the issuance of the state bonds was due to corruption on the part of both the legislative and the executive branches of the state government.[24]

The publication and free discussion of such statements with regard to the validity of the Florida state bonds caused much anxiety to those who were interested in marketing them. On June 17, 1870, S. W. Hopkins and Company wrote to Littlefield saying that in consequence of the notices in the press "the success of our negotiations has (as you will readily understand) become so much endangered that it seems absolutely necessary to act on the other

[22] Application for a Rehearing, *op. cit.*, pp. 37 ff (108). Brief of Facts, *op. cit.*, p. 6.
[23] Answer of T. B. Coddington, Western Division of the Western North Carolina Railroad Co. *v.* Drew, Circuit Court of the United States for the Northern District of Florida, p. 18 (6).
[24] Depositions of Witnesses, *op. cit.*, Exhibit C. No. 1, pp. 70-82 (24-28).

side *at once,* before the articles in question shall be copied there . . ." F. H. Collins, a member of the Hopkins firm, was then abroad trying to negotiate a sale. Hopkins asked for authority to sell the bonds at forty cents on the dollar instead of sixty as he had originally been instructed.[25] Some delay followed, but Littlefield finally authorized the sale of the bonds at £100 per $1,000 bond. Hopkins was to get a commission of ten per cent of the face value of the bonds.[26]

Littlefield went abroad to aid in the efforts to dispose of the bonds. Endeavors were made to sell them in London, Paris, Brussels, Frankfort, and Vienna. Everywhere the story of fraud preceded the salesmen.[27] Finally, John Collinson, of London, succeeded in disposing of $2,800,000 worth of them in Holland, by forming a Dutch syndicate to take them over. About 500 of the $1,000 bonds were scattered about among Dutch farmers. The remaining 2,300, or thereabout, were held by the syndicate, connected with which was a brother-in-law of Collinson named Mangaz, a Dutchman.[28] It seems obvious that the syndicate took the bonds as a speculative venture, for the story of fraud and corruption was circulated in Holland as in other countries of Europe. There is some likelihood that the Dutch farmers were innocent purchasers. It should be noted, however, that Governor Reed, in response to inquiries from abroad, stated that the bonds had been legally issued, although he pointed out that no tax had been levied to pay the interest.[29] This statement from the governor of the state issuing the bonds must have had some influence in making the Dutchmen willing to gamble on them. Also, about $461,000 in interest was paid to the Dutchmen not long after they took the bonds. This sum was taken from the proceeds of the sale and was not paid by the state of Florida.[30]

The remaining 1,200 Florida state bonds became so involved in litigation before they could be sold that only 206 of them were ever disposed of to purchasers. The 206 were taken by the Dutch syndicate.[31] Of the remainder, 800 were tied up by the Western

[25] *Ibid.*, Exhibit D, pp. 97-100 (34, 35).
[26] *Ibid.*, Exhibit E, pp. 102, 103 (36).
[27] *Ibid.*, pp. 392-394 (137).
[28] *Ibid.*, pp. 160-165 (56, 57).
[29] Testimony Taken on the Part of Complainants, Western Division of the Western North Carolina Railroad Co. *v.* Drew, Circuit Court of the U. S. for the Northern District of Florida, 1878, p. 123.
[30] Depositions of Witnesses, *op. cit.*, pp. 183, 184, (63, 64).
[31] Final Decision in Railroad Companies *v.* Schutte, U. S. Supreme Court, in Application for a Rehearing in the same at p. 55 (112). (103 U. S. 118).

Division of the Western North Carolina Railroad Company in the New York law courts, as will be explained presently, and 224 were reported to have been returned to Florida and cancelled.[32] It is clear that these figures do not total 1,200 but 1,230. The accounts were so badly tangled that explanation of this discrepancy seems impossible.

Woodfin had been trying to get something as his half of the proceeds of the sale of the bonds. He found S. W. Hopkins and Company well qualified to be associated with the other parties to the corrupt proceedings. Finding that a large part of the bonds had been sold, and being unable to secure any payment from Hopkins and Company, Woodfin followed Littlefield to Europe, and finally made a compromise with him on November 10, 1870, whereby Littlefield agreed to place 800 of the Florida bonds to the credit of Woodfin with Hopkins in full and final settlement of all claims of the Western Division of the Western North Carolina Railroad Company.[33] Woodfin made this agreement because it appeared to be the only way in which anything at all could be recovered. But Woodfin was unable to get anything out of Hopkins and Company except a few small advances on account of the 800 bonds. Accordingly, a dozen or more law suits were instituted by Woodfin at various points in an effort to secure payment from Hopkins. Affairs were so tangled that nothing came of these suits, and they were compromised on June 15, 1872, by an agreement, according to the terms of which the Jacksonville, Pensacola and Mobile Railroad Company undertook to pay the Western Division of the Western North Carolina Railroad Company the sum of $600,000 in final settlement of all claims.[34] But this payment was never made.

Much delay followed without anything being recovered by the Western Division of the Western North Carolina Railroad Company. Finally, the question of the validity of the Florida state bonds came before the Supreme Court of Florida at its January term, 1876, in the case of Holland *v.* Florida.[35] The decision was that the bonds were unconstitutional and void. The court held, however, that inasmuch as a statutory lien had been taken on the

[32] Brief of Facts, *op. cit.*, pp. 9, 10.
[33] Woodfin Report, January 16, 1871, doc. no. 33 (N. C.), 1870-71, pp. 10 ff.
[34] Woodfin Report, November, 1872, doc. no. 6 (N. C.), 1872-73.
[35] 15 Fla. 455.

properties of the railroad companies at the time the state bonds were exchanged for the railroad bonds, the *bona fide* holders of the invalid Florida bonds were entitled to the benefit of the said statutory lien.

This decision opened up the way for someone to make some money by pressing the claims of the Dutch holders of the invalid Florida bonds. Frank R. Sherwin and C. D. Willard, the latter a member of the bar of the Supreme Court of the United States, evidently saw the opportunity. Late in 1876 Sherwin, who had some correspondence with the Dutchmen relative to the bonds and who claimed to be acting upon authority from them, presented to Governor Stearnes of Florida a petition, alleging that as governor of the State Stearnes was *ex-officio* trustee of the statutory mortgage which had been taken on the properties of the Florida Central and Jacksonville, Pensacola and Mobile railroad companies at the time that the Florida state bonds were exchanged for the railroad bonds, and requesting that he use his power as such trustee to seize and take charge of the two railroads on behalf of the Dutch bondholders, who were, it was maintained, entitled to the benefit of the lien against the properties since the lien had been given to secure the bonds which the Dutchmen held.[36]

There is every indication that the initiative in this proceeding came from this side of the Atlantic. Sherwin never was given any power of attorney by the Dutch bondholders. Willard was later given powers of attorney to act for the Dutchmen, but he did not receive such powers until late February or early March, 1877. It appears that Sherwin and Willard acted on their own initiative at first and only received powers of attorney later by solicitation. The powers of attorney, which were received by Willard several months after he began the efforts to secure control of the railroads, were all written in English. The Dutchmen merely filled in blanks making Willard their attorney.[37]

Sherwin and Willard made elaborate plans for re-organizing the two railroad companies by merging them into a new corporation to be known as the Jacksonville and Mobile Railroad Company, which was intended to own the entire line of railroad from Jacksonville to the western terminus of the Jacksonville, Pensacola and

[36] Testimony Taken on the Part of Complainants, *op. cit.*, Exhibit C, pp. 103, 104.
[37] *Ibid.*, pp. 9-12, 101.

Mobile. Articles of incorporation were agreed upon in Washington as early as October 15, 1876. These articles contemplated organization of the corporation under a general incorporation law which had been passed by the Florida legislature in 1874.[38] Following Sherwin's petition to Governor Stearnes, which was dated September 22, 1876, but which apparently was not presented until December 30, 1876, a "Memorandum Plan" for the re-organization of the Florida Central and the Jacksonville, Pensacola and Mobile railroad companies by the new Jacksonville and Mobile Railroad Company was promulgated in Savannah, Georgia.[39] This "Memorandum Plan" agreement was signed by Sherwin and by Henry R. Jackson, of Savannah, and Charles H. Simonton, of Charleston, South Carolina, on January 12, 1877. Jackson and Simonton represented certain holders of mortgage bonds of the original Pensacola and Georgia and Tallahassee railroad companies. The $960,700 worth of bonds of these two companies which Swepson delivered to the Trustees of the Internal Improvement Fund as a part of the purchase price of the roads in 1869 did not represent all of the bonds of the two companies. Swepson contemplated that the others would be bought up in order to perfect his title. Some of them were so bought up, but others remained outstanding.[40] The owners of these outstanding bonds claimed a prior lien against the Jacksonville, Pensacola and Mobile Railroad Company on the ground that they held bonds of its original constituent companies. They combined with Sherwin to press their claims against any claims of the Western Division of the Western North Carolina Railroad Company.

In response to Sherwin's petition Governor Stearnes advertised the Florida Central and the Jacksonville, Pensacola and Mobile railroads to be sold on April 2, 1877.[41] Before that date arrived, however, Stearnes passed out of office and was succeeded by George F. Drew. Drew declined to carry through the sale of the roads as advertised by his predecessor on the ground that Sherwin did not possess sufficient authority to act for the Dutch bondholders in the matter.[42] It has already been stated that on or

[38] *Ibid.*, Exhibit D, pp. 105-107.
[39] *Ibid.*, Exhibit M, pp. 108-111.
[40] *Ibid.*, p. 129.
[41] Argument for Appellant, before the Supreme Court of the U. S., Fla. Central R. R. Co. *v.* Schutte, J. P. and M. R. R. Co. *v.* Schutte, and W. N. C. R. R. Co. *v.* Drew, 1880, p. 17.
[42] Testimony Taken on the Part of Complainants, *op. cit.*, p. 142.

about March 1, 1877, Willard received powers of attorney from Holland. These were secured through Jacobus Wertheim, a leading advocate of the city of Amsterdam, who was the attorney of the Dutch bondholders on the other side. They authorized Willard to act for the bondholders in all litigation on this side of the Atlantic. When the powers of attorney were presented to Governor Drew in March, 1877, he deemed them sufficient evidence of authority and proceeded to make plans for the sale of the roads as sought.[43]

But the Western Division of the Western North Carolina Railroad Company, in order to protect its own interests as the rightful owner of both roads, went into the United States Circuit Court for the Northern District of Florida, and, in two cases, one against Governor Drew and the Florida Central Railroad Company and the other against Governor Drew and the Jacksonville, Pensacola and Mobile Railroad Company, sought injunctions to prevent the sale of the roads.[44] Immediately upon the granting of the injunctions as prayed in these two suits, Willard, now fully armed with powers of attorney, entered suit in the same court in the name of Jan Frederick Schutte and others of the Dutch bondholders, against the Western Division of the Western North Carolina Railroad Company, asking a sale of the roads to satisfy the claims of his clients. With the entering of this suit in May, 1877, there were before the Federal Court three cases, which, as far as the subject under litigation is concerned, were one and the same.

In the Schutte case the Circuit Court held that the Trustees of the Internal Improvement Fund of Florida held a first lien against the Jacksonville, Pensacola and Mobile Railroad Company for the payment of the $472,065 still due on the original purchase price of 1869 and for which Swepson had at that time given a worthless check, as has already been said. The holders of the invalid Florida state bonds were declared to have a second lien against the property of the company. With regard to the Florida Central Railroad the court held that the claim of the Dutch holders of the invalid Florida state bonds constituted a first lien.

This decision was, of course, adverse to the interests of the

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[43] *Ibid.*

[44] Petition for Injunction W. D. of the W. N. C. R. R. Co., *v.* J. P. and M. R. R. R. Co. and G. F. Drew, 17 pp; and Petition for Injunction, W. D. of the W. N. C. R. R. Co. *v.* Fla. Central R. R. Co. and G. F. Drew, 14 pp, Circuit Court of the U. S. for the Northern District of Florida, 1877.

Western Division of the Western North Carolina Railroad Company. An appeal was taken to the Supreme Court of the United States. Before the case came up, however, the legislature of North Carolina, on March 13, 1879, repealed all laws continuing in existence the Western Division of the Western North Carolina Railroad Company and turned over all of the rights and powers of that company to the parent company, which was the Western North Carolina Railroad Company. The Western Division being no longer in existence, a final compromise of all its claims in the Florida railroads was made on September 13, 1879, whereby it received the sum of $25,000. The appeal was docketed and dismissed.[45] A little later, however, the parent company undertook to push the litigation and was successful in having the appeal re-instated on February 2, 1880.

All three cases came before the Supreme Court of the United States and were decided at the October term, 1880. The decision of the lower court was affirmed. It was held with regard to the Florida Central Railroad that the Western North Carolina Railroad Company could have no claim except to the stock which Swepson had bought with the latter's money, and that it must accept that stock subject to all its encumbrances. With regard to the claims of the Western North Carolina Railroad Company in the Jacksonville, Pensacola and Mobile Railroad the court held that because of the agreement of April 16, 1870, made by the Woodfin Commission with Swepson and Littlefield, the former company had become in effect a seller of the Florida state bonds, the issuance of which was contemplated by that agreement. The Western North Carolina Railroad Company was held to be estopped, for this reason, from setting up title to the property of the Jacksonville, Pensacola and Mobile Railroad Company.[46]

This decision of the Supreme Court evidently eliminated all hopes of securing possession of the railroads which Swepson had bought with the funds of the Western Division of the Western North Carolina Railroad Company. It made further recovery of the money which Swepson had squandered impossible. Subse-

[45] Brief on Behalf of Appellees, W. N. C. R. R. Co. *v.* Drew, Supreme Court of the U. S, 1879, p. 2.

[46] Railroad Companies *v.* Schutte, 103 U. S. 118.

quently, the Florida Central and the Jacksonville, Pensacola and Mobile railroads were put up and sold by special masters to Adolph Engler, trustee for the Dutch bondholders. They brought $305,000 and $50,000, respectively.[47]

[47] Brief for the Defendants, Sherwin *v.* Willard and others, before Supreme Court, p. 5.

ALEXANDER McGILLIVRAY, 1789-1793

By Arthur Preston Whitaker

I.

A new and decisive factor in the affairs of the Old Southwest during the last four years of McGillivray's life was the establishment of a strong federal government in the United States; and nowhere was the importance of this new factor more clearly manifest than in the case of McGillivray himself. Instead of the lone, feeble state of Georgia, hampered by the discordant and incompetent Confederation, he had now to face the united force of the thirteen states as represented by their new central government. This government, which possessed ampler resources, had clearly defined jurisdiction over Indian relations, and its President, George Washington, showed a deep interest in frontier affairs and a strong disposition to conciliate the frontiersmen. Clearly McGillivray's expectation of anarchy in the republic and of its partition by the "three kings" was not soon to be fulfilled. The new situation required him to give a new orientation to his policy.

In order to understand the Creek problem as it faced President Washington and Chief McGillivray in 1789, we must review first the course of negotiations with that tribe during the period of the Confederation, and second the activities of land speculators in the Old Southwest. As we have seen, neither McGillivray nor the Georgians had manifested a keen desire for the peaceful settlement of their differences. In the fall of 1785, both parties had exerted themselves to obstruct the pacific endeavors of the Commissioners of Congress.[1] In April, 1786, war broke out,[2] and in November of that year Georgia obtained from a handful of the tribe another treaty, that of Shoulderbone, and another land cession. At this juncture Congress created the office of Superintendent of Indian Affairs for the Southern Department, which was filled by the appointment of James White of North Carolina. Proceeding to Georgia, where he obtained the co-operation of the government, White opened a correspondence with McGillivray and

[1] *Georgia Records* (MSS., Lib. of Congress), *Council Correspondence*, 1782-1789, Governor Elbert to Elijah Clarke, Savannah, June 9, 1785; Georgia Hist. Soc., *Collections*, V, Part 2, No. 2, 205-208, 215, 220-21.

[2] See "Alexander McGillivray, 1783-1789," *The North Carolina Historical Review*, V. No. 2, p. 196 ff.

arranged for a meeting with the chiefs at Coweta, an important Lower Creek town. At this conference McGillivray, who saw that Congress was by no means willing to go to war on behalf of Georgia, would make no substantial concession. An armistice was agreed upon, pending further action by Congress,[3] but the armistice was soon broken.

The most interesting thing about this futile conference is that it has preserved for us a record of McGillivray's desire, reported by White, to erect the Creek country south of the Altamaha River into the fourteenth state of the Union.[4] According to White, McGillivray declared that he would cede the disputed Oconee lands and would be the first to take the oath of allegiance if such a government were created.

Towards the end of 1787 still another attempt was made by Congress to bring about peace, this time through three commissioners to be appointed, one each, by North Carolina, South Carolina, and Georgia.[5] Nothing was accomplished, however, and this vexatious problem was a part of the involved estate inherited by the new federal government.

One of the very first matters to which President Washington gave his attention was the Creek problem. On June 15, 1789, the secretary of war, Henry Knox, submitted a report on Indian affairs.[6] Shortly thereafter, the President appeared before the Senate in secret session and was authorized to send commissioners to treat with the Southern Indians.[7] Benjamin Lincoln, Cyrus Griffin and David Humphreys were duly appointed, and their instructions,[8] dated August 29, 1789, stressed the importance of Creek relations. They were empowered to offer the Creek a port for their trade and a guarantee of their lands; and McGillivray was to be offered such inducements as gifts and a commission in the United States army. They were also directed to inquire into the validity of the three Georgia treaties with the tribe (Augusta, 1783; Galphinton, 1785;

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[3] ASP, IA, I, 20-21. . Spanish information in regard to this negotiation is in AI, 86-6-17, Zéspedes to Valdés, March 24, 1788, No. 7 *res.*, and enclosures; and *ib.*, PC. l. 37, O'Neill to Miró, May 21, 1787, expressing doubt of McGillivray's loyalty to Spain.

[4] *Ib.*, 21. White does not say in so many words that McGillivray wanted the proposed "government" south of the Altamaha admitted to the Union, but that seems to be clearly implied, especially since he states that McGillivray would be ready to take the oath of allegiance.

[5] *State Records of North Carolina*, XX, 783, Charles Tompson to the Governor of North Carolina, October 27, 1787.

[6] ASP, IA, I, 13.

[7] E. S. Maclay, *Journal of William Maclay* (ed. 1890), 128-33. The President had to withdraw before the Senate would discuss the matter.

[8] ASP, IA, I, 65-68.

and Shoulderbone, 1786), and, if satisfied of their validity, to insist upon their ratification by the Creek.

On September 20, 1789, the commissioners arrived at Rock Landing on the Georgia frontier, after a journey "through a dreary wilderness, in which there was not a single house."[9] There they found some 2,000 of the tribe awaiting them. Entering into conference with McGillivray and other chiefs, they were at first confident of success. McGillivray, they had heard, was "desirous of peace, and his word is a law to the Creeks"; while other chiefs expressed a wish "to brush our faces with the white wing of reconciliation." McGillivray's influence they found to be as great as they had been told it was, and Humphreys records an interesting description of his appearance at this time: "His countenance has nothing liberal and open in it. It has, however, sufficient marks of understanding. In short, he appears to have the good sense of an American, the shrewdness of a Scotchman, and the cunning of an Indian. . . He dresses altogether in the Indian fashion and is rather slovenly than otherwise." Humphreys then hazarded the remarkably accurate guess: "I think he is so much addicted to debauchery that he will not live four years." It was only three years and four months later that the half-breed died.

The fair hopes of the commissioners were soon blasted. Negotiations began on September 21st and lasted until the 25th. On that day, a difficulty over the boundary having arisen, Humphreys crossed the river to the Indian camp and had a long talk with McGillivray. "The difficulties in regard to boundary seemed to be in great measure overcome, and an apprehension of the ill consequences of their breaking with Spain together with an earnest solicitude to have a free (unencumbered) port were now apparently the great obstacles. He [McGillivray] was very much agitated, very much embarrassed; and hardly knew what to determine upon." Humphreys also mentions some confidential passages in their conversation, but does not reveal their character.

McGillivray then withdrew, ostensibly to give the matter undisturbed consideration; but two days later the commissioners learned from a trader, Galphin, that the half-breed was on his way home and had no intention of returning to the treaty-ground. Accord-

[9] F. L. Humphreys, *Life of David Humphreys*, II, 4, 5. The account of the negotiation in the text is based on these letters of Humphreys, except where reference is made to other sources.

ing to Humphreys, McGillivray pretended "to be dissatisfied, that in a private conversation I had questioned the powers of himself and those present to make a treaty that would be binding upon the whole notian."[10] This and McGillivray's other pretexts the commissioner described as "of the most frivolous and unjustifiable nature." Declaring that the blame for the failure of the negotiation must "rest with McGillivray alone," he observed philosophically: "It is a melancholy consideration to reflect that a whole nation must sometimes perish for the sins of one man. . ."[11]

Although his description of McGillivray and his detailed narrative of the negotiation are of great interest, Humphreys' account betrays his own utter ignorance of the realities of the situation and his utter unfitness (and that of his colleagues) for the negotiation. In the first place, for some reason that is difficult to fathom, the commissioners were taken in by the Georgians and were convinced, without adequate investigation, of the validity of the three disputed treaties,[12] two of which, if not all three, were obviously invalid. In the second place, Humphreys recorded at the end of the week's negotiation the absurd opinion that it was doubtful whether McGillivray had ever had a formal treaty with Spain. In the third place, while the general situation made a successful issue of the negotiation doubtful in any case, success was out of the question with Humphreys in the role of negotiator. The Connecticut Yankee was not the man to wean McGillivray from his Spanish connection.

The half-breed's abrupt departure from Rock Landing was apparently due to a sarcastic remark made by Humphreys,[13] though the latter seems to have been serenely unconscious of having given offence. Precisely what the remark was we do not know, but McGillivray was so enraged that, as he himself records, he could scarcely refrain from assailing the commissioners and the Georgia frontiersmen with his assembled warriors. Remembering, however, Miró's positive injunctions against aggression, he resisted the impulse and contented himself with breaking off the negotiation.[14]

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[10] Humphreys, *cit. supra*, 9-13, Humphreys to Washington, September 27, 1789.

[11] *Ib.*

[12] ASP, IA, I, 77-78, report of the commissioners to the Secretary of War, November 20, 1789. Apparently the commissioners contented themselves with making an inquiry of the governor of the state of Georgia, who was an interested party.

[13] AI, PC, l. 1425, Zéspedes to Cabello, November 28, 1789. This letter is in a series of photostatic copies of letters from the governors of Louisiana and East Florida to the captain-general of those provinces at Havana. Several sets of this series were made for the Bureau of Historical Research of the Carnegie Institution. The set consulted by the writer is in the New York Public Library.

[14] AI, PC, l. 202, McGillivray to Miró, December 10, 1789.

We have already outlined in another place,[15] the general situation that made unlikely a successful issue of the negotiation. It was just before he set out for the treaty-ground that McGillivray received from the Spanish officials letters announcing concessions in regard to munitions and trade, and from Panton expressing his satisfaction with the Spanish policy.[16] These letters removed all his grievances against the Spaniards except their immigration policy, and left him with little reason and no pretext for deserting them. In view of Humphreys' personal peculiarities and his interpretation of the commissioners' instructions, success was almost out of the question. There was only one means of detaching McGillivray from Spain, and that was by the personal appeal of flattery and bribery. The commissioners' instructions very clearly empowered them to employ this indispensable means, but as far as the evidence shows, they failed to do so; and sarcasm was a poor substitute for flattery. It was only when it was too late that Humphreys came to the conclusion that "If I mistake not his [McGillivray's] character, his importance and pecuniary emolument are the objects which will altogether influence his conduct."

This last sentence seems to have struck President Washington more forcibly than all the rest of the commissioners' wordy reports, and, instead of accepting their conclusion that war was the only course open to the United States, a war in which the whole Creek nation must perish for the sins of McGillivray, Washington proceeded to capitalize the moral delinquencies of the powerful half-breed in the interests of peace, humanity and economy. Although his own secretary of war, Henry Knox, supported the bellicose recommendations of the commissioners, Washington took the side of those who, like Senator Maclay, discounted the Secretary's natural desire to "labor in his vocation."[17] Calling into conference Col. Marinus Willett, whose Revolutionary experiences on the New York frontier fitted him for such a mission, Washington entrusted to him the difficult task of visiting McGillivray and inducing him to come to New York with his chiefs for a fresh negotiation.[18] The President had learned his lesson, and a large part of

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[15] "Alexander McGillivray, 1783-1789," *The North Carolina Historical Review*, V. No. 2, pp. 200-203.

[16] Cuban Transcripts (Library of the State Historical Society of Wisconsin), l. 1, exp. 12, No. 8, Panton to McGillivray, June 6, 1789.

[17] *Journal of William Maclay, cit. supra*, 175.

[18] W. Willett, *Narrative of the Military Actions of Colonel Marinus Willett*, 94-96.

the conversation revolved about the "lures" that concerned McGillivray personally.[19] With his head full of "lures," Willett set out for the Creek country; but before we discuss his mission and the treaty of New York we must glance briefly at the projects of land speculators in the Old Southwest who were trying to draw McGillivray into their schemes. Their activities threatened to embroil the United States with the Southern Indians and Spain, if not to disrupt the Union. As this larger aspect has been discussed in another place,[20] we may confine ourselves here to their relations with McGillivray.

II.

Although in colonial times his father, Lachlan, had hedged against loss in the fur trade by engaging in land speculation,[21] the younger McGillivray consistently opposed the schemes of American speculators and colonizers. He was no doubt strongly influenced by the fact that the speculators were generally Americans, and therefore his sworn enemies; for in 1784 he recommended to Miró a plan for settling British Loyalists in West Florida.[22] When the Bourbon County scheme was hatched, he was one of the first to warn the Spaniards against it, offering the force of his tribe to prevent its execution;[23] and, as we have seen, when he and Panton precipitated the Creek war with Georgia in 1786, one of the three war parties that he despatched was sent to break up the colony at Muscle Shoals. We have also seen how the Coldwater expedition of the Cumberland settlers led McGillivray to launch a party of 500 warriors against that settlement, lest the recent success should tempt the frontiersmen to colonize the Muscle Shoals region. The reason for the half-breed's opposition to such schemes is clearly set forth (though in another connection) in a letter to Thomas Pinckney, governor of South Carolina. "We [the Creek] are closely surrounded," he said, "and our hunting grounds much circumscribed. . . We are not situated as the northern nations, with immense deserts at our backs; all this tells us that we must struggle hard to preserve our hunting grounds, and perish to a man

[19] J. C. Fitzpatrick, ed., *Diaries of George Washington,* IV, 95, 96.

[20] A. P. Whitaker, *Spanish-American Frontier, Ch.* IX.

[21] *Colonial Records of Georgia,* IX, 269-70.

[22] AI, PC, l. 197, McGillivray to O'Neill, February 5, 1784.

[23] E. C. Burnett, ed., "Papers relating to Bourbon County, Georgia," in Am. Hist. Rev., XV, 73-74, McGillivray to Miró, May 16, 1785.

in its defence; for where can we go to possess ourselves of new ones [?][24]"

By the year 1788, McGillivray was known throughout the Southern United States as an agent of Spain and as the most powerful individual among the Southern Indians.[25] Consequently the land speculators, who had learned their lesson from Bourbon County, Muscle Shoals, the Creek war and James Wilkinson's descent to New Orleans in 1787, began to show more respect for the occupant Indian tribes and the Spaniards. Since McGillivray was both an Indian chief and a Spanish agent, they naturally sought to enlist his support. Among the first to do so were John Sevier and Joseph Martin, who approached him in 1788;[26] but nothing came of their schemes.

The most determined effort of this kind was made in 1789 and 1790 by the South Carolina Yazoo Company; and it is a measure of the Americans' regard for McGillivray at that time that the effort was made although the company's grant lay nowhere near the Creek towns, but along the Mississippi on the farther side of the Choctaw "nation." This company was by far the most energetic of the three that purchased great tracts of land from Georgia in 1789. Its original members were prominent South Carolinians, and among its western agents were such influential frontiersmen as John Sevier, James Wilkinson and George Rogers Clark. Through another agent, James O'Fallon, it made a determined effort to obtain the sanction of Spain, and through McGillivray that of the Southern Indians, for its enterprise.

On May 8, 1790, McGillivray wrote Panton that agents of the Yazoo companies had been pursuing him from one Creek town to another with their insidious proposals, but that he had rejected them and would resist the companies' settlements even should Spain consent to them.[27] He did not exaggerate the eagerness of the speculators to obtain his support, for it appears that they wrote him repeatedly on the subject. We have copies of two of their letters, which contain the most pressing invitation to accept as a gift a share in their enterprise. In a letter of February 19, 1790,

[24] ASP, IA, I, 19, McGillivray to Pinckney, February 26, 1789.

[25] For example, see *State Records of North Carolina*, XXI, 437-38, Robertson and Bledsoe to Governor Johnston, January 4, 1788.

[26] *Ib.*, XXII, 787-88. Miss. Val. Hist. Rev., XII, 162.

[27] AI, PC, I. 203, McGillivray to Panton, May 8, 1790, copy, enclosed in Panton to Miró, July 12, 1790.

Alexander Moultrie, as Director of the company, outlined its project.[28] The plan, he said, was to establish a colony that would soon be admitted into the Union as a state, to develop the fur trade and the slave trade, and to cultivate "friendly commercial intercourse" with Spain. "Your acquiescence in these measures," wrote Moultrie, "will entitle you to a territorial right amongst us of above (I think) four hundred thousand acres which we have no doubt will soon bring a guinea an acre . . . If ever man had a most amazing extent of power, wealth, influence & happiness within his grasp, I think it is now you." Panton also was approached by the speculators, but he wrote Miró he would have nothing to do with them, "no, not even for Washington himself, had he the thirteen United States in his belly."[29]

Other than McGillivray's admission that he corresponded with them in order to discover the real nature of their designs,[30] there seems to be no foundation for the assertion that he accepted their offer;[31] but it is interesting to speculate as to the possible result of their appeal to the half-breed's cupidity and vanity had not the United States approached him at this juncture with a more substantial offer. There can be little doubt that one of Washington's objects was to defeat the machinations of the Georgia land companies, which, as we have said, threatened to embroil the United States with both the Indians and Spain.[32]

III.

Fresh from his conversation with the President about the "lures" that might be offered McGillivray, Colonel Willett set out for the Creek country in March, 1790. Among the most important weapons in his armory was a letter from Benjamin Hawkins to the half-breed, in which Hawkins warned him of the "dreadful consequences" that might ensue from a breach and at the same time threw out the stimulating suggestion that "the U[nited] States have the means of estimating properly the value of your character."[33]

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[28] *Ib.*, copy, enclosed in Panton to Miró, July 12, 1790.
[29] *Ib.*, Panton to Miró, July 12 ,1790.
[30] *Ib.*, McGillivray to Miró, February 26, 1791, copy.
[31] C. H. Haskins, *The Yazoo Land Companies*, in Am. Hist. Assn., *Papers*, V, 398-99.
[32] This was asserted by McGillivray in reporting both his conversations with Willett and the subsequent negotiation at New York: AI, PC, l. 203, McGillivray to Miró, May 8, 1790; *ib.*, same to same, June 2, 1790; *ib.*, l. 204, same to same, February 26, 1791, copy.
[33] *Ib.*, l. 203, Hawkins to McGillivray, March 6, 1790, copy, enclosed in Panton to Miró, July 12, 1790. In 1790 Hawkins was one of the United States Senators from North Carolina. In 1785 he was one of the commissioners of Congress who tried unsuccessfully to negotiate a treaty with the Creek.

At the time of Willett's arrival in the Creek country McGillivray was ready to listen attentively to Washington's "lures" and the proper estimation of his character suggested by Hawkins. Despite the concessions that the uneasy Spaniards had made in 1789, he still found his own personal situation most disagreeable. On August 10th of that year, he wrote an illuminating letter[34] to Panton, in which he asserted that the Georgians were offering to restore his confiscated "family estate," valued at more than £30,000 sterling: "There has since I saw you last arose a considerable conflict in my mind . . . Here am I an absolute heavy tax upon you for several years, and in fact not only for my private support, but for all extra expenses of this department, and although my dear Sir I know that I can still depend upon your generosity and in your friendship that you overlook the heavy expense I put you to, yet you well know how hurtfull it is to the feeling heart to be beholden to subsist wholly on the bounty of private friendship . . . [I have not] wherewithall to pay an interpreter . . . I have some time ago renounced the pittance of a common interpreter[35] that was allowed me [by Spain] as being a consideration disgracefull to my station." Although, as we have seen, he remained faithful to Panton and Spain in the negotiation of the following month at Rock Landing, his "feeling heart" was still suffering from these painful reflections at the time of Willett's arrival, for he mentioned them in a letter of May 8, 1790, to Miró.[36]

On April 30, 1790, Willett found McGillivray in the Creek country. On June 10 they set out for New York.[37] In the interval McGillivray had written his friends that he intended to accept the invitation. Panton set out post-haste to dissuade him, but to his chagrin his three-hundred mile journey was wasted, for on his arrival at Little Tallassie he found that McGillivray had already started on what Panton called "this unexpected expedition."[38]

It was originally intended to bring the Creek delegation to New York by sea, but, probably because of McGillivray's "mortal aver-

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[34] *Ib.*, McGillivray to Panton, copy, enclosed in Panton to Miró, August 31, 1789. This copy was not a fabrication of Panton's, for in an autograph letter to Miró, May 8, 1790, McGillivray acknowledged his deep indebtedness to Panton: *ib.*, McGillivray's letter of August 10, 1789, is printed with some slight variations in Pickett, 389-95.

[35] McGillivray refers to his salary as commissary of Spain among the Creek Indians. As a matter of fact, he did receive only fifty pesos (dollars) a month, or five dollars more than "a common interpreter." For his regisnation as commissary, see "Alexander McGillivray, 1783-1789," *The North Carolina Historical Review*, V. No. 2, p. 206.

[36] See note 34.

[37] Willett, *cit. supra*, 96-113, gives a full report of Col. Marinus Willett's mission.

[38] AI, PC, 1. 203, Panton to Miró, July 12, 1790.

sion" for the water, the journey was made overland. Twenty-six of the Indians travelled in three waggons, four of them on horseback and Willett in a sulky. They passed by Col. Andrew Pickens' plantation at Keowee, thence across piedmont Carolina to Richmond, Philadelphia, and finally New York. Landing at Murray's Wharf on July 21, they were met by the largest crowd that had assembled in the city since President Washington's arrival in 1789, and were escorted by a military detachment and the Society of Saint Tammany to the home of Secretary Knox. The Secretary then took them to meet the President, who "received them in a very handsome manner." After a visit to Governor Clinton, they were conducted to the City Tavern, where they dined in company with Knox and several other persons of prominence, including, curiously enough, the senators and representatives of Georgia. "Conviviality and good humor . . . prevailed at the festive board," and seven toasts were drunk. Other entertainments were provided for the Creek, and of these the most picturesque was a reception on board the ship *America,* just arrived from Canton, China,—a striking symbol of the simultaneous commercial and territorial expansion of the United States.[39]

Meanwhile negotiations were proceeding. On August 6, the President nominated Henry Knox commissioner to conclude the treaty.[40] The nomination was confirmed by the Senate, and on the following day the treaty was concluded. After it had been signed, Washington gave McGillivray a string of beads as a token of perpetual peace and a paper of tobacco to smoke in remembrance of it. McGillivray rose, made a brief reply and received the tokens. The chiefs then filed by the President, who shook hands with each one as he passed. "A song of peace," the reporter tells us, "concluded this highly interesting, solemn and dignified transaction."[41]

The treaty contained both public and secret articles.[42] The public articles contained the concessions made by the Creek to the

[39] *New York Journal and Patriotic Register* (newspaper, New York Public Library), July 23 and 30, 1790.

[40] ASP, IA, I, 80, 81. Knox's negotiation was facilitated by the absence of Gardoqui, who had returned to Spain in 1789; and the secretary whom he left in charge of the legation took no interest in the affair. The Governor of St. Augustine sent his secretary, Carlos Howard, to New York to keep McGillivray in line; but, though Howard knew McGillivray and had conducted Zéspedes' correspondence with him for several years past, he accomplished nothing. See AI, PC, I. 1440, Zéspedes to Cabello, June 1, 1790; Fitzpatrick, ed., *Diaries of George Washington,* IV, 132-33; and John Marshall, *Life of Washington,* V (Philadelphia, 1807), note to p. 274.

[41] *New York Journal,* etc., *cit. supra,* August 17, 1790.

[42] The public articles are in ASP, IA, I, 81, 82. Pickett summarises both the public and secret articles. At my request, Prof S. F. Bemis very kindly examined the original treaty in the State Department, and informed me that the secret articles are as reported by Pickett. See Professor Bemis' *Pinckney's Treaty,* 200, 201 and note 16.

United States; the secret articles represent the "lures" that ensnared McGillivray and procured the peace. The public articles relate chiefly to three matters, namely, the boundary, trade, and an annuity for the Creek. The boundary question was settled by the Creek cession of the disputed Oconee lands. As for trade, it was provided that no trader without a United States license should be admitted to the Creek towns that lay within the limits of the United States. The annuity to be paid the tribe was ostensibly by way of compensation for the Oconee cession, but in reality it was, so to speak, a premium on a peace insurance policy, the administration holding that it was cheaper to bend the savages by an annual pension than to break them at the cost of war.

The secret articles contain two provisions: first, that in case of war between Spain and any other power, the Creek should have the right to import goods to the value of $60,000 per annum duty free through the ports of the United States;[43] second, that McGillivray should receive a commission as agent of the United States among the Creek Indians, with the rank of brigadier general and a pension of twelve hundred dollars a year. The provision with regard to trade reflects the influence of the Nootka crisis between Spain and England, which was then at its height;[44] and there can be little doubt that, whatever reason McGillivray had for going to New York, one of his chief reasons for accepting the terms that he did was the prospect of a war between his Spanish patrons and England that could hardly fail to be disastrous to the former. Panton's trade, which was carried on through London, would be dislocated and perhaps ruined. Faced by such a situation, it would have been sheer madness for McGillivray to reject the terms offered by the United States. And so in 1790 McGillivray's "feeling heart" found relief from Panton's bounty in a pension from the "distracted republick" whose partition between the "three kings" he had so confidently predicted in 1784.

The treaty of New York gave birth to a controversy that outlived the half-breed. On the one hand, the Georgians in general were enraged at the failure to secure their title to lands claimed under the Shoulderbone treaty, and at the federal government's

[43] A note on the constitutional question involved in this point is in J. Marshall, *Life of Washington*, Notes at end of Vol. V, note 2.

[44] The Nootka affair was under discussion in Washington's cabinet at the time of McGillivray's arrival in New York: Fitzpatrick, ed., *Diaries of George Washington*, IV, 137-43.

courtship of the man who for four mortal years had been ravaging their frontiers. "I scarcely ever knew any matter so generally objected to," wrote Joseph Clay, Savannah merchant, "& yet in which the people disagree so much in their objections."[45] In 1792 the United States agent among the Creek, James Seagrove, himself a Georgian, complained of the "licentious, ungovernable spirit" of the frontiersmen of that State, who opposed the running of the boundary line of 1790, and of their apparent determination "to bring on a war with the Indians."[46]

Spanish officials also added to the confusion by making a vigorous effort to prevent the execution of the treaty. It was Miró's successor, Carondelet, who distinguished himself most signally in this connection. The former, whose term of office was drawing to a close, remonstrated with McGillivray, but, in the fourteen months of his administration that remained after he learned the terms of the treaty, he contented himself with granting the half-breed a pension of $2,000 a year and inviting him to come to New Orleans and talk things over.[47] The granting of the pension was a sensible measure, but it came a year too late. McGillivray indeed tried to explain the recent treaty so as to make it appear that he had really remained faithful to Spain, but his explanation was more ingenious than convincing. He pointed out that the treaty could practically be nullified by His Majesty's forcing the United States to acquiesce in a proper settlement of the boundary dispute. This, however, was asking Spain to use its diplomacy in support of the Creek, whereas Spanish policy had always contemplated using the Creek to support its diplomacy. Moreover, all of McGillivray's verbiage could not conceal the fact that the treaty of New York conflicted with the treaty of Pensacola and destroyed the Spanish monopoly of trade with the Creek.

The half-breed even attempted to explain away the secret articles, whose existence he did not deny. His pension, he said, was to be paid him only until Georgia should see fit to restore his family estate. The clause relating to commerce, he declared, had been adopted because of the prospect of war between Spain and England; and now that peace was assured trade would continue to follow the

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[45] Georgia Hist. Soc., *Collections*, VIII, 236-40, Joseph Clay to William Few, Savannah, November 5, 1790.

[46] ASP, IA, I. 305-07. *Cf. ib.*, 493-94.

[47] AI, PC, I. 202, (Miró) to McGillivray, March 29, 1791, drafts in Spanish and English.

usual channels. He denied having accepted a brigadier general's commission, explaining his refusal on the ground that he would have had to take an oath of allegiance to the United States.[48] As a matter of fact, he did take an oath of allegiance. The original document, dated August 14, 1790, and witnessed by Justice John Blair of the United States Supreme Court, is still preserved in the library of the Massachusetts Historical Society.[49]

IV.

On December 30, 1791, when Miró handed over the reins of government to Carondelet, the Creek situation had been still further complicated by the return of the adventurer William Augustus Bowles. This picturesque vagrant, after his failure in the winter of 1788-89 to draw McGillivray into his schemes, had drifted back to Providence, and thence, by way of Nova Scotia, to England. Arriving there on the morrow of the Nootka crisis, he tried to interest Pitt and Grenville in the conquest of Spanish North America.[50] Failing in that quarter, he returned to Providence. Learning there of the treaty of New York, he hastened to the Creek country to capitalize McGillivray's "betrayal" of the tribe and to expel the half-breed and the Panton connection. Although he made a determined effort to conciliate the Spanish government and declared that his object was simply to protect the liberties of "his people" from the designs of the United States and from the avarice of Panton and McGillivray,[51] it is reasonably certain that he was ready to execute his earlier designs on the Spanish possessions in case an opportunity presented itself.[52] His plan, though the outlines are shadowy, resembles somewhat those of William Blount and Aaron Burr, and represents one of the traditions of the Old Southwest that were subsequently embodied in the cult of Manifest Destiny.

This time Bowles made no effort to conciliate the half-breed; on the contrary, he denounced the betrayal of New York, settled

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[48] AI, PC, l. 204, McGillivray to Miró, February 26, 1791, copy; *ib.*, l. 2371, same to same, June 8, 1791.

[49] Knox Papers (MSS., Mass. Hist. Soc.), Vol. XXVI, fol. 145. In *ib.*, fol. 132, is a paper endorsed in pencil "Minutes of Spanish treaty with the Creeks—for McGillivray Aug. 8, 1790." This contains a fairly accurate summary of the terms of the treaty of Pensacola (1784) and a reference to Panton, Leslie and Company as the agent of the Spanish government in arming the Creek.

[50] Am. Hist. Rev., VII, 727-29.

[51] AI, PC, l. 2371, Bowles to Oneal (*sic*: O'Neill), December 4, 1791.

[52] *Ib.*, Bowles to James Burgess, February 7, 1792 (in duplicate); *ib.*, l. 1446, Carondelet to Casas April 4, 1792, No. 18 *res.*, and April 16, No. 22, *res.*, enclosing the second and third declarations of William Cunningham, in Spanish translation.

down near Miccosukee in the Lower Creek country, and began building up a party. The supineness and helplessness of McGillivray in the face of this defiance are amazing. Panton explained that his inaction was due to dissipation.[53] He had never swayed the Lower as he had the Upper Creek, but on the other hand no man had ever before dared oppose him in the Indian country. Things had changed since 1787, when McGillivray had sent his gunmen into the distant Chickasaw country to murder William Davenport in the midst of his friends. Now it was McGillivray himself who feared for his life. At first, in October, 1791, he professed little uneasiness at Bowles' presence, and declared that his offer of one hundred dollars' reward for the interloper's capture, dead or alive, would dispose of him in less than a month.[54] At the same time, however, McGillivray had to admit that, although he had gone in person to the Lower towns, the Indians there would not let him seize Bowles. "Why in the name of God," he asked, had not the Spanish commandant at the nearby post of St. Mark's sent his soldiers to take the adventurer? Confessing his weariness of the life he had been leading for the last ten years, he declared his intention of withdrawing to a secluded plantation on Little River and of leaving the ungrateful Lower Creek to shift for themselves.

In December things begain to take on a still more serious aspect. O'Neill reported that McGillivray, recently arrived at Pensacola, still refused to take Bowles seriously, but that a party of Indians sent to capture Bowles had actually been won over to his side by the adventurer's glib tongue, although some of the party were McGillivray's own relatives.[55]

On January 18, 1792, Bowles shocked McGillivray and the equally unwary Panton out of their philosophical composure by seizing the company's store at St. Mark's and holding it in defiance of the neighboring Spanish garrison. Panton was beside himself with rage, and sent McGillivray, who had returned to the Creek country, a communication that he called a "pretty strong talk" to be delivered to the chiefs. In this "talk" he demanded "the life of that villain Bowls" or at least his arrest and surrender to the

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[53] Cuban Transcripts, *cit. supra*, l. 1, exp. 5, No. 27, Panton to Carondelet, April 16, 1792.

[54] AI, PC, l. 1440, McGillivray to O'Neill, October 28, 1791, Spanish translation, enclosed in Miró to Casas, November 28, 1791; *ib.*, McGillivray to Panton, October 28, 1791.

[55] AI, PC, l. 2352, O'Neill to the Governor of Louisiana, December 17, 1791.

Spaniards.[56] McGillivray shouldered all the blame, admitting he had been wrong in not disposing of Bowles once for all in 1788 as Panton had advised; but this *peccavi* did nothing to rid the country of the daring interloper. On March 4, 1792, Panton resorted to more drastic measures. Writing his partner, Robert Leslie, who was in the fort at St. Mark's, he instructed him to make use of a certain John Miller: "Tell him [Miller] from me that I know he has a good gun & a steady hand . . . If he rids me of that scoundrel [Bowles], he never shall be poor again as long as he lives . . . [I] cannot view him [Bowles] otherwise than as a publick pirate, who it becomes every good man's duty to hunt down as one would a mad dog."[57]

After Milfort and a detachment of Spanish troops had both failed to capture him, Bowles was finally trapped by a stratagem devised by Carondelet himself.[58] With the details of that episode and with the subsequent life of Bowles we are not concerned, as he did not again appear in Florida until some years after McGillivray's death. It is enough to say that, during his brief captivity in New Orleans, Bowles made a powerful impression upon Carondelet, poisoned his mind against McGillivray, and convinced him that the Americans were preparing to invade Louisiana and that the Creek were unanimously opposed to the execution of the treaty of New York. The result was that Carondelet resolved to destroy McGillivray's influence among his people and to stir up a war between the Creek and Georgia in order to prevent the execution of the treaty of New York.[59]

V.

The chief agent of the governor in this undertaking was Pedro Olivier, an officer of the fixed regiment of Louisiana, whom he sent as Spanish commissary to the Creek nation. As early as 1789 McGillivray himself had advised the appointment of such an official. Miró had made the recommendation to his superiors;[60] in due course the royal authorization was received, and Olivier was named for the mission.[61] The revised instructions that the gover-

[56] *Ib.*, l. 203, Panton to McGillivray, February 9, 1792, copy with Panton's autograph signature, enclosed in Panton to Carondelet, February 9, 1792.
[57] *Ib.*, Panton to Leslie, March 4, 1792, copy, enclosed in Panton to Carondelet, March 6, 1792.
[58] *Ib.*, l. 1446, Carondelet to Casas, March 13, 1792, No. 6 *res.*, and enclosures.
[59] *Ib.*, same to same, March 22, 1792, No. 10 *res.*
[60] *Ib.*, l. 1425, Miró to Cabello, October 1, 1789; *ib.*, l. 1446, Miró to Casas, August 12, 1790, No. 1 *res.*
[61] AHN, E, l. 3898, Carondelet to Casas, February 16, 1792, No. 4 *res.*

nor drew up on March 30, 1792, show Bowles' influence. Olivier was directed at all costs to prevent the execution of the treaty of New York, and to detach McGillivray from his American connection, first by offering him an increase in pay equal to the amount he was receiving from the United States, and then by threatening that in case he remained obdurate Spain would employ Bowles against him.[62] At the same time, Carondelet adopted other measures to undermine McGillivray's influence, the most effective of which was an order to the commandant at Pensacola to discontinue the practice of issuing arms to the Creek on requisitions from McGillivray, and to distribute such supplies at his own discretion.[63]

When Carondelet learned from Olivier and from McGillivray himself that the latter was planning to join the American commissioners and mark the boundary line fixed in the treaty of New York,[64] he played his last card and sent Panton to Little Tallassie in order to bring McGillivray to his senses,—and to New Orleans.[65] As usual, the resolute Scotchman had his way, and McGillivray, abandoning his idea of meeting the Americans, paid his long promised visit to the governor.[66]

The results of the conference were all that Carondelet could have wished. During the discussion, the governor's object was to prevent the execution of the treaty of New York, while McGillivray's was to amend the treaty of Pensacola so as to commit Spain to a guarantee of all the territory occupied by the Creek, whether it lay within Spain's own possessions or not, and to stipulate that Spain should provide the Creek with arms and ammunition to defend their territory against the encroachments of the Americans.[67] In the end, both were satisfied, for on July 6 a convention was signed that contained all of the above points.[68] McGillivray was then granted the promised increase of 1,500 pesos a year in his pension,[69] bringing the total up to 3,500, or nearly twice

[62] AHN, E, l. 3898, Carondelet to Floridabanca, April 4, 1792, No. 19 *res.*, enclosure No. 4, Carondelet to Olivier, March 30, 1792.

[63] AI, PC, l. 25, (Carondelet) to Enrique White, April 1, 1792, autograph draft.

[64] *Ib.*, Olivier to Carondelet, April 10, 1792; *ib.*, l. 204, McGillivray to Carondelet, April 10, 1792.

[65] *Ib.*, l. 1446, Olivier to Carondelet, May 2, 1792, copy, enclosed in Carondelet to Casas, May 24, 1792, No. 31 *res.*

[66] See references in notes 65, 67, 68.

[67] AI, PC, l. 204, fragment (last sheet) of autograph letter from McGillivray to Carondelet, date and direction missing.

[68] A copy of this convention is enclosed in Carondelet to Casas, July 31, 1792, No. 37 *res.*: *ib.*, l. 1446. A copy is also enclosed in the despatch to Aranda cited in note 69. The convention consists of a preamble and three articles, signed by Carondelet, McGillivray and Armesto, the Governor's secretary.

[69] AHN, E, l. 3898, Carondelet to Aranda, July 7, 1792, No. 4, *res.*

the amount that Spain was then paying James Wilkinson. This fact may be taken as a measure of the importance that the Spaniards still attached to McGillivray's services. It is also an indication of the increasing burden that was being placed on the Spanish treasury by the rivalry of the new United States government for the favor of the Southern Indians.

Since, by the convention of July 6, McGillivray obligated the Creek nation, so far as lay in his power, to annul the treaty of New York, and since Carondelet, to the same extent, obligated Spain to give the Creek an ample supply of munitions to drive the Georgians off the Oconee lands, it seemed that an international crisis of the first magnitude was in the making. The crisis never developed, however, and the reason was that neither the Creek chiefs nor the Spanish government ever ratified the convention. Carondelet's superior and brother-in-law, Las Casas, captain-general of Cuba, compelled him within a month after the signing of the convention to abandon his deliberate attempt to bring on a war between the Creek and the United States; and although Carondelet appealed to the court, Las Casas' order remained in force.[70] As for the Creek, McGillivray arrived in the nation too late in the season to secure the ratification of the convention, for many of the Indians had already left for the winter's hunt.[71] Before Carondelet could convoke them in an assembly or win his own government over to his policy, McGillivray's death made the convention a mere scrap of paper. In this situation, Carondelet turned his attention to the more grandiose scheme of uniting all of the Southern Indians in a single confederation under Spanish protection and of hurling the warriors against the American frontier in an effort to check its westward advance and disrupt the Union.

Even before McGillivray's death the governor was planning such a confederation, and the half-breed was to play an important part in the preliminary congress.[72] The idea, indeed, was one that McGillivray had made his own by long and strenuous advocacy throughout the 1780's, though he never intended to make the confederation the cat's-paw of the Spanish court. It is almost as interesting as it is futile to speculate on the possible consequences had

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[70] AHN, E, l. 3898, Carondelet to Aranda, August 15, 1792, No. 10 *res.*, and enclosures.

[71] AI, PC, l. 25, Olivier to Carondelet, October 15, 1792, personal.

[72] AI, PC, l. 204, (Carondelet) to McGillivray, December 16, 1792, draft; *ib.*, l. 2353, same to same, February 1, 1793.

a bolder man than Miró held the reins in Louisiana in the years 1786-88. McGillivray was then at the height of his power, his contacts with the Northern Indians were numerous, he was eager to form an Indian federation, and confusion prevailed in the so-called United States and on their frontiers. But whatever might have been the result at that time, by 1792 such an undertaking was utterly hopeless. Even had there been a reasonable chance of success, McGillivray could no longer have hoped to occupy the commanding position that would have been his five years earlier. His body was broken by rheumatism and the "cursed gout" and racked by fearful headaches.[73] His prestige was sadly diminished by his duplicity at New York, by his impotence in the face of Bowles' incursion, and by the machinations of Oliver, so that even his brother-in-law Milfort turned against him.[74] On November 28, 1792, he wrote Panton a letter complaining wearily of his trials, and concluded: "From this account you see into what embarrassments you are thrown into as a merchant & me as a statesman . . . As I am approaching a desponding train I will drop the subject."[75]

VI.

In February, 1793, he was taken ill while on his way to Pensacola from a visit to one of his wives.[76] After his arrival at Pensacola it was evident that he was a very sick man, and on February 16, Panton wrote Carondelet: "It is with infinite concern that I inform your Exc[ellenc]y that Mr. McGillivray lies dangerously ill in my house of a complication of disorders of gout in the stomach attended with a perepneaumeny and he is so very bad as to leave scarsely any hope of his recovery."[77]

On the following day, February 17, 1793, McGillivray died,[78] and was buried with Masonic honors at Pensacola.[79] Panton, announcing the sad event to Carondelet, remarked, "Poor fellow he has left us at an untoward period but there is no help for it."[80] Not a suggestion of grief at the death of a friend, nor any tribute to the man who had made it possible for Panton's house to obtain

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[73] *Ib.*, l. 204, McGillivray to Panton, Little Tallassie, November 28, 1792.
[74] *Ib.*, l. 25, Enrique White to Carondelet, Pensacola, April 10 and 18, 1792, *res*, and personal (one letter).
[75] Letter cited in note 73.
[76] Pickett, 430-31, quoting letter from Panton to Lachlan McGillivray, April 10, 1794.
[77] AI, PC, l. 203, Panton to Carondelet, February 16, 1793.
[78] *Ib.*, same to same, February 20, 1793.
[79] Pickett, 431.
[80] Letter cited in note 78.

the patronage of Spain and a virtual monopoly of the Southern Indian trade; yet the letter was by no means a brief one. Another member of the company, John Forbes, wrote more sympathetically: "I suppose you will by this time have heard of the decease of our friend Mr. McGillivray. I assure you I have felt it as if he had been a near relation."[81] And even Milfort, who had quarrelled with McGillivray in 1792, wrote that his death had caused him "baucoupt de paine."[82]

Leaving no will, McGillivray told Commandant O'Neill that he wished his estate to go to his two children;[83] but it appears that between his predacious relatives and the inexorably business-like Panton, the children got little or nothing, though Panton and Forbes were named as his executors.[84] Milfort relates how McGillivray's sister, Durant, seized everything she could lay her hands on, even including a little sugar and coffee that Panton had sent the orphans, and how Weatherford, another relative, drove the dead man's horses off and sold them to a certain Jack Kennard.[85] A year after the half-breed's death, Panton wrote old Lachlan McGillivray that Alexander not only owed him, Panton, his career, but was also deeply in debt to him at the time of his death.[86] There can be little doubt that Panton indemnified himself with what remained of the estate after Sister Durant and Cousin Weatherford had plundered it, and there is no indication that he ever gave the children anything more than the coffee and sugar that Sister Durant promptly appropriated.[87] Nor were McGillivray's Spanish friends more mindful of his orphans. Carondelet's chief concern was that his death might interfere with the formation of the Indian confederation, and his only indication of interest in the dead man's affairs was a letter to Panton directing him to search MicGillivray's papers for anything that might throw light on the designs of the United States.[88] As nothing of consequence was discovered, Carondelet turned his attention to other matters. O'Neill, who might have

[81] AI, PC, l. 203, J. Forbes to Thomas Durnford, February 23, 1793.
[82] *Ib.*, l. 208, Milford to Carondelet, March 29, 1793.
[83] Letter cited in note 78.
[84] *Ib.*
[85] AI, PC, l. 208, Milford to O'Neill, March 29 and April 19, 1793 (two letters).
[86] Pickett, 429-31.
[87] Pickett, 407, note, mentions a suit brought by the heirs of McGillivray against the heirs of Panton, the papers of which he says are filed in the District Court of Louisiana. An examination of these papers, which I have not seen, might bring to light some valuable information on the financial relations between the two.
[88] AI, PC, l. 203, Panton to Carondelet, March 21, 1793. Panton wrote that he did not think the Americans trusted McGillivray enough after his return from New Orleans (1792) to trust him with their secrets, but that he would go through the half-breed's papers (i. e., at his plantation). As far as I know, he never found anything of importance.

done something towards executing McGillivray's death-bed injunction, was soon transferred to another post. One need not be a sentimental admirer of the noble savage to feel something of tragedy in this final frustration; for in death, as in life, McGillivray was the victim of the chaotic circumstances into which he was born.

An estimate of this man's significance in the history of the Southwestern frontier is much easier than a sympathetic interpretation of his character. He was a unique product of a transient society, and to the twentieth century mind he seems almost as remote as Ariovistus. The truth is, he committed an unpardonable blunder in being born a half-breed. Without attempting to penetrate the mysteries of racial inheritance, we are on reasonably safe ground when we recognize the disturbing effect of his dual cultural inheritance. Throughout his infancy, childhood and maturity he was in constant, intimate contact with both Indians and white men. Both his letters and his actions reflect this psychic dualism, of which he seems to have been at times dimly conscious. Once, in 1792, when defending himself against a charge of duplicity, he argued, as a sort of after-thought, that different circumstances in the Indian country require different morals from those prevailing among Europeans.[89] With the logic of a white man he saw in the advance of the white frontiersmen a deadly menace to his fellow Indians, but his resistance was weakened by qualities that we may safely set down as essentially Indian. For one thing, his emotional instability, a trait common among half-breed Indians, prevented the persistent prosecution of any large design. Again, his behavior in his relations with white men, for all his talk of statesmanship, was usually that of an Indian; that is to say, he trusted none of the whites, and felt himself justified in taking whatever he could get by whatever means from the Indian's natural enemy. If he won a reputation for extraordinary duplicity, it was merely because he was better known to the whites than any other Indian of his day. His conduct was in strict accordance with the code of his people.[90] Naturally, however, it weakened his resistance in the long run, for it gave the Spaniards an excuse for deserting him

[89] Letter cited in note 73.

[90] Apropos of the Bowles episode in 1788, McGillivray wrote Panton that it was impossible to convince an Indian of the criminality of accepting a present, whatever the source: AI, PC, I. 202, McGillivray to Panton, January 12, 1789. This certainly seems to have been the attitude of McGillivray himself in all his dealings, whether with Panton or Bowles, Spain or the United States.

and the Americans a pretext for further aggressions against his people.

His significance in the history of the Southwest may be stated more precisely. As a debauched half-breed, he represents the deterioration of the Indian in contact with white civilization. As fur trader, stock raiser and planter, he suggests the transition period in which he lived, for the fur trade of the Old Southwest was declining noticeably, and a new economy was taking its place as game disappeared and the pioneer farmer crowded out the hunter and trapper. As a "statesman," to use his own term, he represents the hopeless resistance of both Spaniard and Indian to the irresistible advance of the American frontier. His project of a general alliance of the Northern and Southern Indians to check the advance of the Americans marks him as the prototype of Tecumseh, whose mother, it is worth while observing, was a woman of McGillivray's own tribe and generation. Finally, considering his multiple contacts with his neighbors, whether government officials, both Spanish and American, land speculators, merchants, Loyalists, Indian chiefs and frontiersmen, and his intimate connection throughout a decade with almost every incident of any importance in the region, we may fairly take his life as a cross-section of the history of the Old Southwest from the end of the American Revolution to his death in 1793.

DEBATE ON THE FISHER RESOLUTIONS

By A. R. Newsome

[*Continued from the April issue.*]

Mr. Brown[101] said, it was with reluctance he rose again on this question; but he did so, to correct an error which the gentleman from Newbern[102] had fallen into, when he charged him with inconsistency, for having some years ago submitted a resolution in support of Mr. Madison's administration, and now opposing these.[103]

He had contended the other day, that this Legislature had a right to instruct our Representatives in Congress on any subject which might come before them in their legislative capacity, but not as to any act be done by them in their private capacity.

Mr. B. had not supposed that the merits of the different candidates for the Presidency would have been canvassed in this debate. But we have been told, said he, that Mr. Crawford once belonged to the Federal party. And what is the proof adduced? That he signed an Address to Mr. Adams, then President, approving the course of his administration in relation to France, with whom it was believed we were about going to war. But at that time, the most obnoxious measures of Mr. Adams's administration, the alien and sedition laws, had not passed.

Those most opposed to Mr. Crawford, in Georgia, where he then resided, have publicly declared that he has always been considered a firm Republican of the Jefferson school.

It is also urged against Mr. Crawford, that he is friendly to intermarriages between the whites and Indians. He could not say that he admired this project; but it was not a novel one. The celebrated Patrick Henry first broached the idea;[104] and he had never heard it charged against him as an offence. He thought it was creditable to the humanity of these gentlemen, if not to their discretion.

Mr. B. thought there was a great difference between the political characters of Mr. Crawford and Mr. Calhoun. The former he considered as a plain firm Republican of the Jefferson school; the latter bore the character of a Republican, but he was fond of show and expence, and greatly attached to the army. A standing army, Mr. B. had always looked upon as contrary to the genius of a Republican government, and the wisest politicans had so considered it: It is the most powerful engine in the hands of an administration. A popular government stands in no need of such an auxiliary; nor does a free people want it for protection;

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[101] Bedford Brown of Caswell.

[102] John Stanly.

[103] *Supra.*, p. 216, note 93.

[104] Patrick Henry introduced a bill in the Virginia House of Delegates in 1784 to offer bounties for the encouragement of intermarriage of whites and Indians. Henry left the House suddenly to become governor and his bill did not get to the third reading. M. C. Tyler, *Patrick Henry*, (J. T. Morse, Jr., *American Statesmen*), pp. 261-262.

for, if the country be invaded, the citizens will rise in a body in their own defence.

He was clearly of opinion these resolutions ought not to pass. A nomination by Members of Congress, is the only thing that can unite the republicans of the Union in the pending election; it is the only course which can prevent an election by the House of Representatives; for if all the candidates now before the public be voted for, no one can be expected to receive a majority of the votes of the electors.

Such an occurrence had but once happened, and that will never be forgotten. Did the House of Representatives on that occasion consult the wishes of the people? No; they were very near electing Aaron Burr to the Presidency, who had not received a single vote as such, all the votes for him, having been given to make him Vice-President. Fortunately for the nation, after a long struggle, Jefferson was elected. But surely we can never wish the country to be placed again in so perilous a situation as it then was. To prevent this, he hoped the usual nomination would be made.

Mr. MEBANE[105] rose, and hearing a call for the question, said, he should detain the House but a few minutes. He believed that all that could be said on either side of the question had been already brought forward, and, of course, he despaired of saying any thing worth the attention of the House; but as the subject had produced considerable excitement amongst the members of this House, and as his political standing has been somewhat different from many of those gentlemen who supported the principles contained in these resolutions, he therefore thought it necessary to express his sentiments on the subject.

He thought those gentlemen who were opposed to the Resolutions, had not (to say the least) treated the friends of them with fairness, but had rather returned evil for good; they have not exhibited the same comity, that was shewn to them by the friends of the resolutions; for when these resolutions were first called up, those opposed to them asked for time, alleging that they were not prepared for their discussion, and that some one or more whom they expected to aid them in the business, was at that time absent: the time asked for, was granted them. Indeed, from the first appearance of these resolutions in this House, those opposed to them have evidenced an unwillingness to meet the question fairly; for they, at that time, made great opposition to their being presented, shewing an unwillingness to afford the members the customary opportunity of reading and examining them for themselves, so that they might be enabled to vote understandingly upon them; but in this attempt they miscarried. The house resolved to see them, and they were accordingly printed. What was the result?

They were found, on examination, to contain some sentiments to which

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[105] James Mebane, 1774-1857, of Orange County, was a member of the House of Commons, 1798, 1801, 1803, 1818, 1820, 1821, 1822, 1823, 1831, and speaker in 1821; councilor of state, 1807; state senator, 1808-1811, 1828; and president of the Cape Fear Navigation Co., 1827 to about 1835. *North Carolina Manual, 1913,* pp. 429, 466, 738-740; W. H. Hoyt, *The Papers of Archibald D. Murphey,* I, 159n.

most of those opposed to the Caucus system (which seems to be growing up in our country) could not subscribe, and of course were not for going the full length proposed in the Preamble and Resolutions, they were not willing to instruct our members of Congress how they should act in such a case; and of course they wished to have amended the Resolutions in this respect, and proposed to do so, that their votes on the question might be correctly represented, and even the author of them wished them amended in this and some other objectionable parts. But gentlemen say no. The Resolutions shall be discussed, and a vote taken upon them in the form and dress in which they were introduced, and in this instance, again show their unwillingness to meet the question fairly; for they very well know, that if this feature of the Resolutions was taken away, they would be deprived of their strongest argument against them.

The advocates of a Congressional Caucus say, that it is necessary to keep together what they call the dominant party, no doubt meaning the Republican party. This, to use the language of the gentleman from Fayetteville, is an "argument ad captandum," calculated to revive party feeling, and unite the Republicans of this House in opposition to these Resolutions, which, if they were passed, might have a tendency to defeat their Caucus scheme, on which they seem much to rely for the election of their favorite candidate as President.

Who, asked Mr. Mebane, are the Republicans, or rather, who are not the Republicans of the present day? Why, Mr. Speaker, many old men who were formerly not only federalists, but almost royalists, are not only Republicans, but flaming democrats; and as to the young men of these times they are all Republican, and it is quite natural that as many of them as expect to be candidates for public favor, would be Republican, because this is the popular side, this is with many, the surest and only way to promotion.

But he knew many among the supporters of these Resolutions, who were Republicans, when Republicans were in a minority; but who are those who now sound the tocsin of alarm? and would denounce every man as an apostate, who cannot join them in all their Caucus schemes of intrigue, which they say are necessary to keep together their party. They are young gentlemen. They are Republicans, either of late conversion or late growth. Many of those who support these Resolutions, were supporters of the Republican cause, when these youths were in their minority, and who did not evidence a disposition to denounce their brethren because they did not agree with them at all times, on every subject, that come before them. There are Republicans present, who were so at the time when Mr. Crawford is charged with drawing and signing an Address to John Adams, approving all his measures. One at least of whom,[106] then recorded his vote in this House in opposition to a

[106] Mebane himself was one of thirty-eight members of the House of Commons who voted against making the address to Adams. *Journal of the Senate* and *Journal of the House of Commons*, December 24, 1798. On the same day that the address was voted a resolution was passed by the legislature deploring the Alien and Sedition acts and directing the Senators and requesting the Representatives in Congress from North Carolina to work for their repeal.

similar Address from the Legislature of this State. And are these the men who are admirers of the Caucus system, and who think that the people cannot be trusted to choose a President for themselves, without being dictated to by a Caucus, composed of a few members of Congress? No. They have learnt, by experience, that the people may safely be trusted to do their own business, and they are not afraid to submit the question of electing a President of the United States to the people, without the instructions of a Congressional Caucus. But it is necessary to keep the dominant party together, lest they fail in electing a Republican President. He considered all the candidates as Republicans. True it is, that two of them to-wit: John Quincy Adams and William H. Crawford have heretofore been found in the Federal ranks, but he believed they were now firm Republicans. But it is said, a Caucus is necessary, to put the most popular candidate in nomination. This is strange reasoning. Whoever saw any difficulty, in effecting the nomination of a candidate; for if he does not choose to nominate himself, his friends will bring him forward; and on the present occasion, there are already five candidates in nomination for the Presidency; but which of them is the most popular, will be more correctly ascertained by an election by the people, than by a Caucus.

Another reason urged in favor of a Caucus nomination is, that it is said to be the only way to prevent the election of President, from going into the House of Representatives. But let us see whether the remedy is not worse than the disease; or whether it is safer for an election to be made, or a nomination, which appears to be virtually the same, by a self-created Caucus, composed of a bare majority of the Members of Congress, in the first instance, and twelve months before the proper time of elections; or by the House of Representatives finally, out of the three candidates highest on the list, who must have received many thousand votes of the freemen of our country, before the House of Representatives can have a Constitutional right to vote for them. Certainly, nothing more need be said, to convince every man that it is safest and best, not to endeavor, by any such contrivance, intrigue or management, to defeat the wholesome provisions of our excellent Constitution. For his own part, he said he had no fears that a bad choice would be made, in this way, out of the candidates at present spoken of. And as there must be some tribunal to decide, if the people fail to do so, he did not wish to see this Constitutional provision evaded.

Gentlemen tell us of the case of Jefferson and Burr. He condemned the conduct of those who espoused the cause of Burr as much as any man. But such a state of things cannot now occur under the amendment of the Constitution since adopted on this subject, and which no doubt grew out of that case. The votes for President and Vice-President are now distinctly given, and Congress must therefore, choose one of the three most pouplar men in the Union, and would most probably elect him, who received the highest suffrage from the people. He called

upon plain men, like himself, to consider the effect of the vote they were about to give. Do you wish your Members in Congress to tell us whom you must vote for as President? then vote for indefinitely postponing these Resolutions; but if you wish to be uncontrolled in your vote for this high officer, vote against the postponement.

Mr. RAINEY[107] rose and observed, he apprehended that when his grey hairs were taken into view, he could not be ranked with that juvenile class of politicians, of whom the gentleman from Orange[108] had so illiberally, and uncharitably spoken, as finding their way to popularity by joining the stronger side of the political contest—he, however, on the present occasion, was heartily with them in sentiment: though indeed the gentleman from Newbern, who had taken occasion to observe that it was boys but just out of their first breeches who seemed to lead the way in opposing the resolutions before the house, might perhaps consider *him* as not yet out of *his*, for he had not yet got into the dandy *pantaloons*, but was really, as regards that article of dress, in the first fashion that he had any recollection of wearing.

Mr. R. then exclaimed, a Caucus! a Caucus! a Caucus! this hideous monster that has been thus described by that gentleman in its most terrific form, "Gordons, Hydras, and Chimeras dire"—yet he really believed that it would be found quite a harmless thing. Indeed, it was quite an undefined thing, it was neither found in our laws or gospels. Our laws point out what constitutes a riot, an affray, or a conspiracy; but this more horrid thing, a *Caucus* was not there recognized, or at all known, and he believed it a universal maxim, *no law, no transgression!* He hoped the motion for indefinite postponement would prevail.

Mr. WILLIAMSON[109] had hoped, that the motion for indefinite postponement would have been withdrawn, that the question might have been taken on adopting or rejecting the Preamble and Resolutions themselves. He wished to have seen by the result of the vote, who are, and who are not in favor of Caucusing.

The members of Congress get together at Washington, and take upon themselves to say, who shall, or who shall not be our next President. We are thus guided by these closed door Caucuses, as we invariably elect the Candidate whom they select.

If this practice be not directly in hostility with the words of the Constitution, it is so with its spirit. That revered instrument has been sometimes called a mere bundle of words; but he considered it as containing spirit and principle, and as founded in compromise. He was willing to record his vote on this question; and that the people here, and at home, should know that he was opposed to Caucuses.

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[107] James Rainey of Caswell County, member of the House of Commons, 1812, 1823, 1824, 1828. *North Carolina Manual, 1913,* pp. 543-544.

[108] James Mebane.

[109] J. G. A. Williamson, of Person County, was a member of the House of Commons, 1823, 1824, 1825. He was then consul of the United States at Venezuela and about 1830 was appointed chargé d'affairs at Caraccas. He died at Puerto Cabello in 1842. *North Carolina Manual, 1913,* p. 758; J. H. Wheeler, *Historical Sketches of North Carolina,* II, 343.

Mr. LEONARD[110] thought that the holding of Caucuses were frequently attended with the best effects. When, for instance, said he, there are several Candidates for a particular office, who are all thought well of, and whose talents and qualifications for office are nearly equal, and these men are opposed by a Candidate of entirely different opinions, whose election the majority wished to prevent, Mr. L. knew of no better way than that the majority, or persons representing the majority, should hold a meeting in order to ascertain, by the vote among themselves which of their several Candidates was the most popular; and when this appeared, to drop all the rest and run him. His election would then be certain; whereas, if no such Caucus had been held, the probability is, that, by the majority dividing their votes amongst their several Candidates, the man run by the united minority would be elected.

Mr. FISHER said, it was with unfeigned reluctance he arose to address the House a second time on this subject. When he opened this debate, he had explicitly stated, that his remarks should be confined to the subject of Caucus, but that if other gentlemen chose to enlarge the limits of discussion, and bring in the Presidential question, he, for one, was willing to meet them. They had done so, and he felt himself bound to redeem his pledge.

Before I advance to the Presidential question, said Mr. F. I must bestow a few passing remarks on what has fallen from some of the gentlemen who followed me in the debate. In the course of my previous remarks, I had rejoiced at the downfall of party, and that the season had come when we could meet and hold friendly intercourse without the embittered recollections of party rancor and rage; but when in the language of Mr. Jefferson, "We are all Republicans—all Federalists." To these expressions of mine, the Gentleman from Beaufort, (Mr. Blackledge) declares his dissent, and with a doleful face, laments, that the elements of society are no longer lashed into strife by party violence. *(Mr. Blackledge here declared himself misunderstood and gave other explanations.)* Mr. F. said, he would not attribute such motives to the gentleman from Beaufort, but there were men, whose importance in society mainly depends on the existence of faction:—as party-men, they have some chance of getting forward, but on the score of personal merit, they have no hopes: These are the sort of men, that were sorry to see peace and harmony restored to the bosom of society: these are the men, when party is down, who may exclaim, "Othello's occupation's gone." For my part, said Mr. F. if my humble merits are not sufficient to gain me the confidence of the people, let me dwell in obscurity forever.

The gentleman from Caswell (Mr. Brown) seems to be in a terrible rage against Felix Grundy, and against the State of Tennessee. No one on this side of the question had even mentioned the name of Mr.

[110] Jacob W. Leonard, a representative of Brunswick County in the House of Commons in 1811, 1823, 1824, and in the Senate, 1814, 1815, 1817, 1818, 1820, 1821. *North Carolina Manual, 1913,* pp. 511-512.

Grundy, but it appears, that gentleman had brought before the Tennessee Legislature, Resolutions disapproving a Caucus, and this was what had awaked the anger of the gentleman. Mr. Grundy, no doubt, would feel extremely mortified, if he knew the very humble opinion entertained of him by the gentleman from Caswell.—But, Tennessee, it appears, has also incurred his censures. According to him, she is a factious State; she refuses Kentucky the privilege of sueing in her Courts; *her* example, therefore, should have no influence on us. Sir, it may suit the gentleman's purpose *now*, to speak thus of Tennessee—a State composed of emigrants from North-Carolina—the same kind of people with ourselves—our kindred and our friends; but the time is not long gone by when the name of Tennessee was sounded in very different accents. Yes, Sir, when the gentleman from Caswell, like myself, and most of the members of this House, were enjoying the safe comforts of home, the brave men of Tennessee, with Jackson at their head, were fighting the battles of the nation; while we were in our warm chambers secure from danger, they were facing the enemy in the woods of Tallidega, or on the banks of the Mississippi.[111] *Then*, Tennessee was not a factious State, her fame was sounded by every tongue; but the Legislature of Tennessee have set their faces against the destestable practice of Caucusing, and therefore, in the imagination of the gentleman she has become a factious State. (Mr. Brown here explained—he never doubted the bravery of Tennessee.) Mr. F. continued—The gentleman from Wake, (Mr. Taylor) has misrepresented me, in his reply to some of my remarks: not intentionally, I am sure, but through misconception. Mr. F. here noticed several remarks made by Mr. T. and replied to them.

The gentleman, said Mr. F. and others, have called upon us to show them any clause in the Constitution, which forbids members of Congress from holding Caucuses. What, Sir, because there is no clause which says, "Members of Congress shall not hold Caucuses," does it follow that they may hold them? If members of Congress are permitted to do every thing not *expressly* prohibited to them, then their powers would be unlimited indeed. But, Sir, this is not the way to construe the Constitution. The General Government is one of *delegated* powers. The Constitution expressly gives or plainly implies, all the powers to be exercised by its agents, and Members of Congress cannot justly do a single act not authorized by the Constitution. With more propriety, then, can we call upon the gentlemen to show that part of the Constitution which authorises members of Congress to hold Caucuses for the nomination of President and Vice-President of the United States. But, Sir, there is a clause of the Constitution which plainly prohibits Congressional Caucuses for that purpose; it can be found in the second article. In his former remarks he had gone into the arguments to show, that these Caucuses were against

[111] Jackson's fame rested on his military achievements in the Creek War, 1813-1814; the operations around Mobile, 1814; the battle of New Orleans in January, 1815; and the Seminole War, 1817-1818. Talladega was a Creek Indian village where occurred in 1813 a battle between the Creeks and the Tennesseeans under Jackson. J. S. Bassett, *The Life of Andrew Jackson*, pp. 97-99.

the spirit, if not the letter of the Constitution, and he would not now travel over the same ground.

Mr. F. said, the gentleman from Beaufort[112] had told us what a wonderful Republican Mr. Crawford is—and had talked much about his "public services," and his economy. He had told us, too, that Mr. Calhoun is a *federalist,* and that he is extravagant; but the gentleman has not condescended to furnish the proofs either of Mr. Crawford's Republicanism, or Mr. Calhoun's Federalism—of the economy of the one, or the extravagance of the other. Nor has he pointed out, when and where these "public services" of Mr. Crawford were performed. Empty assertions are not proofs, and these are the only kind the gentleman has furnished. But, said Mr. F. as the friends of Mr Crawford are either unwilling or unable to furnish the evidence of all the fine things they tell us of, let us go back a few years and examine for ourselves. I shall not, said Mr. F. go back to the career of Mr. Crawford in Georgia, before he entered Congress, nor shall I notice his Federalism of '98, and his written approbation of the Alien and Sedition laws of John Adams—we will take him up after he went to Congress.

The "public services" of this candidate, said Mr. F. may be arranged under three divisions:—1st. Those he performed in Congress. 2d. His diplomatic achievements. 3d. Since he has been Secretary of the Treasury.

First, then, in Congress. What did Mr. Crawford do to distinguish himself, during the period he was in Congress? What important measure did he devise and support? His speech[113] in favor of the renewal of the old United States Bank, is the only evidence his friends pretend to furnish in support of his claims to talents and services. Now, Sir, I do not pretend to deny that Mr. Crawford has talents; he certainly has more than ordinary talents, but they are of a particular cast, they are better adapted to the management of a party than to the high duties of President. But, Sir, this speech of his does not prove him to possess either talents or correct principles. It will be recollected, that Mr. Gallatin was in favor of renewing the charter: Mr. Crawford was on the Committee charged with the subject, and Mr. Gallatin had put the Committee in full possession of all the reasons and arguments in favor of the measure. Arguments being thus furnished to the Committee, surely it did not require great talents to bring them forth in the form of a speech. Men of much less talents than Mr. Crawford could have done it. The fact is, Mr. Gallatin's agency in this business was so well understood at the time, that the speech was called "Gallatin's speech." Whether it was proper to renew the charter of the old U. States Bank, is not necessary now to enquire. It is, however, certain, that the Republicans were opposed to it, and defeated the measure. The great bulk of the stock was owned by foreigners and our political opponents, and the Republicans

[112] T. W. Blackledge.
[113] *Annals of Congress,* 11th Cong., 3d sess., 132-150.

contended that to renew it, would in fact, be re-establishing it for the benefit of foreigners. Here, then, Mr. Crawford separated from the Republicans.

Again. When Mr. Jefferson came into the administration, he determined to follow the course of Washington, in regard to our foreign relations—he adopted the *neutral policy*. In this he persisted; but in the year 1807, the affairs of this nation began to reach a crisis which required the adoption of other measures. Accordingly, in the session of 1807, Mr. Jefferson, in a message recommends that Congress should "make preparations for whatever events may grow out of the present crisis:" and as a *preparatory* step, he recommends the Embargo. The object of the Embargo was to save the immense mercantile capital of the country, from being captured under the French Decrees, and the British Orders in Council. The necessity of the measure was so apparent, that in the Senate, it met with the support of both parties, only *six* voting against it, *five* of these were the most violent of the Federalists, and, the other one was *W. H. Crawford*.[114] Here, then, a second time, we see this gentleman deserting from the Republicans. All parties admit, that the Embargo, was a wise and necessary measure as preparatory to war; but when it was turned into a *substitute* for war, the Federalists, and the great bulk of the Republicans, began to reprobate it. Mr. Crawford, however, thought otherwise. In 1807, he separated from the Republicans, in laying the Embargo, and in 1809, when the Republicans, nay, the voice of the nation called out for its repeal, *he voted against its repeal*.[115] If the Embargo was wrong in 1807, how came it right in 1809? Let the friends of the Candidate, explain this inconsistency?

Again. In 1810, the Administration, finding that our affairs were rapidly approaching a crisis that would most probably result in war, began seriously to make the necessary preparations for that event.—Among the measures recommended by the President, and adopted by Congress, was a Bill—"*for fitting out, and manning the frigates belonging to the United States.*" Against this measure, Mr. Crawford, and *five* others voted. He not only voted against the organization of our small navy, at that critical period, but he broke silence, and delivered a flaming speech against the navy. In the course of this speech, he calls the navy "*a fungus on the body politic,*" and censures Mr. Jefferson for not going farther than he did, in destroying it—he ridicules the idea of our navy's being of any service in the event of war—and talks loudly of England with her thousand ships. It is in this speech too, that he delivers his sarcasm against Mr. Madison, and ridicules his message; in which he also ridicules the maxim of Washington—"that to be prepared for war, is the best method to preserve peace." Sir, said Mr. F. let any candid man read this speech,[116] and he will no longer doubt Mr. Crawford's

[114] *Annals of Congress*, 10th Cong., 1st sess., 51.
[115] *Annals of Congress*, 10th Cong., 2d sess., 436.
[116] *Annals of Congress*, 11th Cong., 2d sess., 541-547. In his speech Crawford said of Madison's message: "This Message in point of obscurity, comes nearer my ideas of a Delphic oracle than any state paper which has come under my inspection."

fixed hostility to the navy. But fortunately for the nation, Congress did not adopt Mr. Crawford's notions of the navy; if they had, the last war, could not be written in as bright characters as it now will be.

When, continued Mr. F. the nation was driven, by the aggression of Great-Britain, to the alternative of war, Mr. Crawford was pursuing a doubtful course in Congress. He however, made his peace with the administration, by giving a silent vote for the measure; and then managed to be appointed a Minister resident at a Foreign Court, where he would be beyond danger, and clear of responsibility. This brings us to the *second* division—his *diplomatic services*.[117] And here, said Mr. F. I call upon his friends to show what he did while Minister in France? What Treaty did he negotiate, or in what correspondence did he sustain the character of the country? We may look in vain for such—if there ever were any, they have been *suppressed,* like other documents.—He continued in Paris enjoying his $9,000 out-fit, and his $9,000 annual salary until the war was over—he then returns to scheme for higher honors. His attempts at the Presidency, in 1816, cannot be forgotten by this House. So much for his *diplomacy*. Let us now come to the *third* division of his "public services," and examine his achievements in the Treasury Department.[118]

What new source of revenue has the present Secretary of the Treasury discovered since he came into that department? or what plans has he adopted to render more secure, and less expensive the collection of the duties under the existing laws? His friends before this, have been asked, but have not been able to answer.

Mr. F. said, he would compare some of his estimates made in his annual reports, with the true results furnished by himself in his subsequent reports. In his report of 16th December 1816,[119] the Customs for 1817 was estimated at 12 millions dollars; but in his report of 1817,[120] we find the revenue turned out 22 millions—or 10 millions more than his previous estimate.

In his report of 1817, he estimates that *the permanent revenue,* will be 24,525,000 dollars; the very next year, however, falls short of this estimate more than 2½ millions, even after deducting the internal duties.

In his annual report of 1818,[121] he says "It is presumed that the revenue which shall accrue during the present year from imports and tonnage may be considered as *the average amount* which will be annually received from that source of [the] revenue." This amount turned out to be $21,828,451.[122] The revenue from that source for 1819, was $17,116,-702.[123] For 1820, was only about 12 millions,[124] or more than 9 millions

[117] Crawford was on a mission to France from April 3, 1813 to April 22, 1815. *Biographical Congressional Directory,* 577.
[118] Crawford was Secretary of War, 1815-1816; and Secretary of the Treasury, 1816-1825. *Biographical Congressional Directory,* 577.
[119] *Reports of the Secretary of the Treasury of the United States,* II, 73-81.
[120] *Ibid,* II, 88-94.
[121] *Ibid,* II, 110-115. The italics are Stanly's.
[122] *Ibid,* II, 144-149, report on the Finances, December, 1819.
[123] *Ibid,* II, 167-178, report on the Finances, December, 1820.
[124] *Ibid,* II, 198-204, report on the Finances, December, 1821.

less than the estimate; for 1821, was 19 millions,[125] or three millions less; which make the average for these 3 years, about 5 millions less than the Secretary's permanent estimate.

Here, then, said Mr. F. we see, how wide of the mark his estimates have turned out.

This fatal error in the Secretary, in estimating the permanent revenue at nearly 22 millions, is the true cause of the embarrassments that followed.[126] It is with Congress as with individuals; place surplus funds at their disposal, and they cannot rest, until they spend it. Mr. Crawford had made Congress believe, that the permanent revenue would be 22 millions, which would be several millions annually more than was wanted for the ordinary expenses of Government. Congress had to devise some way to get rid of this surplus fund; but the *surplus* turned out a *deficit,* and loans became necessary.

But, sir, these are not the only mistakes made by Mr. Crawford. In his annual report of 1820, he committed an error of nearly 3 millions of dollars, which was detected by Mr. Calhoun. He made a *second* report to correct the first, and the second report was also incorrect; he made a *third* one, and this, too, in the opinion of Mr. Lowndes, Mr. Sargeant, and other able Financiers, was still wide of the mark. I shall notice only one other instance of the Secretary's mismanagement of the funds of the nation—that is, his connection with the insolvent Banks. By voluntary loans to these Banks, or imprudent deposits, the nation will lose *nearly one million* of dollars, according to his own report.[127] In one Bank alone, (Vincennes) he placed a sum greater than the total capital of that Bank. Now, sir, these things prove one of two conclusions; either that Mr. Crawford is not capable of managing the duties of the Treasury; or, if he does possess the necessary skill, that then, he has, through carelessness or design, greatly mismanaged the finances of the nation; in either result, he certainly cannot be a proper person for President of the U. States.

Mr. F. said, he would pass over some other acts of the Treasurer, on which, he intended to make remarks, and come to his connection, with the *Radicals.* It is not necessary, sir, here to give the history of this new party, further than to state, that it is not composed of the choice materials of either of the old parties, but it made up of the fag-ends, the disappointed, and disaffected of both. This party is opposed to the present Administration; to its policy and leading measures, and Mr. Crawford is the known head of this mongrel set. He is their candidate; —there is not a Radical in the nation but supports him. Though a member of the Administration, he heads a faction, hostile to the wise measures

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[125] *Ibid,* II, 217-224, report on the Finances, December, 1822. The report shows actual receipts from customs in 1821 of $13,000,000 instead of $19,000,000. The latter figure is the total actual receipts including a loan of $5,000,000.

[126] The financial embarrassment of the government arose from the great reduction of revenue on account of the panic of 1819. Customs receipts which exceeded $36,000,000 in 1816 dropped to $13,000,000 in 1821; and receipts for public lands, exceeding $3,000,000 in 1819, were but $1,635,000 in 1820. F. J. Turner, *Rise of the New West,* p. 140.

[127] *Annals of Congress,* 17th Cong., 1st sess., 1052-1060.

adopted by Mr. Monroe, and which are generally approved by Federalists as well as Republicans. While Mr. Crawford is thus blundering and stumbling along in his department; while he is carrying on his operations with the Radicals, to destroy every branch of the system of national defence, let us turn sir, to Mr. Calhoun, and examine his "public services" to the nation.

John C. Calhoun entered Congress about the year 1811—at a time when our affairs had reached a crisis, which threatened war, or national degradation. He stepped at once on the theatre of Congress, a political Roscius; by the force of his talents, he soon gained a standing that attracted the attention of the whole nation. He was compared to the sages of the old Congress. Before the end of that Congress, he stood at the head of the Committee of Foreign Relations—by far the most important Committee in Congress at that period.

It was Mr. Calhoun, and a few other distinguished Republicans in Congress, who waited on Mr. Madison, and told him that the crisis required decisive and energetic measures; or, that the national character would sink.[128] Mr. Madison communicated his war message, and the House of Representatives, referred it to the Committee of Foreign Relations. That Committee was composed of some of the oldest and ablest men of the party in Congress: but when the question of war was brought before them, they approached it with deep apprehensions. It was an experiment yet to be made by our Government, and moreover there was a powerful party in the country opposed to it. The Committee met, full of doubts, and apprehensions. Mr. Calhoun addressed them at great length. He showed that war, or national disgrace, was the alternative; he demonstrated the ability of the nation to sustain the war; when he concluded, doubt no longer dwelt in the Committee—they were for War. —Mr. Calhoun was appointed to draw up the manifesto, setting forth the causes of the war; this paper has aptly been called the second Declaration of Independence.[129] But, Mr. Calhoun, was not only one of the moving spirits, that brought on the war; after it was declared, no one was more active in devising the ways and measures for a vigorous prosecution of it; in organizing the navy and the army. During the whole of that contest, he stood to his post in Congress, battling it with the Federal phalanx, and cheering up the spirits of the Republicans. But the storm of war blew over, and the sun-shine of peace broke out on the nation. If Mr. Calhoun was active in carrying on the war, he was not less so, when peace came, in devising measures to repair the effects of

[128] The reference perhaps is to the oft-repeated story, for which proof is lacking, that a group of Republican leaders in a formal manner forced Madison to pledge a war recommendation by threatening to defeat him for renomination. Madison had come to the belief that the war party in Congress represented public sentiment. The story is perhaps a perversion of an interview Clay, Calhoun and Grundy had with Madison in June on the question of whether the debate on Madison's War Message of June 1 should be with open doors. W. M. Meigs, *Life of John C. Calhoun*, I, 129-131; K. C. Babcock, *The Rise of American Nationality*, p. 61.

[129] On account of the absence of the chairman of the Committee on Foreign Affairs, Peter B. Porter, Calhoun presented the report to the House on June 3, 1812. The paper had been prepared by Monroe at the request of the Committee. W. M. Meigs, *Life of John C. Calhoun*, I, 130-131; *Annals of Congress*, 12th Cong., 1st sess., 1546-1554.

the war, and in suiting things to a state of peace. The war taught us a lesson of experience; and a nation like an individual should profit by experience. Mr. Calhoun was foremost in devising a system of national defence—that system which the Radicals have labored so hard to destroy. Shortly after the war Mr. Monroe was elected President. He placed Mr. Calhoun in the Department of War. As during the war this department was the one through which the operations were chiefly directed, it was found by the new Secretary in the greatest disorder.[130] He found on the books more than Fifty millions of unsettled accounts. He set the proper officers to work; in less than three years the balances were nearly all settled. He found defects in the system of accountability—public money was given out, badly disbursed, and still worse accounted for. He introduced important changes, and exacted rigorous punctuality from all public agents. The consequence is, that the large sums which now pass through the War Department, are disbursed with less loss than ever was before known in this or any other Government. He found defects in the system of supplies—he recommended an entire change by which thousands of Dollars have been annually saved to the nation. By economy and management, he has reduced the expenses of the Ordnance Department. Ordnance of all descriptions are now obtained cheaper than ever before known. There is a saving on muskets alone, of nearly $3 a piece. By care and economy, the annual expense of each soldier has been reduced more than $135.[131] In short, documents show, that by skill, system, and economy, Mr. Calhoun, in the management of the War Department, annually saves to the nation not short of a million of dollars, and yet we have heard a member on this floor, without any other proof than his empty assertion, accuse him of extravagance! But this is not all. Under his direction, the system of national defence, has been established, and is progressive, and if not destroyed by the Radicals, will, in a few years be completed.

These, Sir, said Mr. F. are some of the reasons why I prefer John C. Calhoun as President; and why I object to Wm. H. Crawford—I believe that for the nation Mr. Calhoun would make the best President—his past life and public services show it. But, Sir, there is yet another reason, that operates on my mind against Wm. H. Crawford. He is the Virginia Candidate. As a native of North-Carolina, with the interest and honor of the State near at heart, I am free to say, that of two candidates, equal in merit, the one proposed by Virginia, the other not, I would go against him of Virginia. Sir, it is time that North-Carolina should stand alone—time to break the charm of Virginia influence, and think and act for ourselves. North-Carolina has the name of being led by Virginia, true

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[130] For more than two years before Calhoun entered upon his duties in December, 1817, the War Department had been without a regular full-time head. The management had been loose, $45,000,000 of unbalanced and unsettled accounts were on the books, the duties of the Secretary were ill-defined, the scattered army was in confusion, and throughout the department there was lack of system and organization. As Secretary of War, Calhoun demonstrated a high order of administrative ability. W. M. Meigs, *Life of John C. Calhoun*, chap. x.

[131] R. K. Crallé, *The Works of John C. Calhoun*, V, 115-122, report to the House, March 5, 1822.

or false, we should give proofs that we are now free. We have followed Virginia until her politicians fancy we dare not part from her; tell them that North-Carolina will not vote for their candidate, and they will laugh you to scorn. Sir, my state pride revolts at the thought. We have followed Virginia, acted with and supported her men, for 36 years,[132] and what offices of honor or profit has she given to North-Carolina? While she has profusely spread the loaves and fishes to her own citizens, and to every other state, she has scarcely permitted North-Carolina to gather up the fragments—she has given us a Secretary of Legation, and a Commissioner to arbitrate the contested value of stolen negro slaves.

A gentleman the other day, in the debate on another subject, asked if we wished a part of the "loaves and fishes?" I boldly answer, yes!—Our Government, sir, is founded on the principle of representation; that principle should be felt, and preserved in each co-ordinate branch of the Government; we should be represented in the Executive and Judicial branches, as well as in the Legislative. The Constitution, said Mr. F. secures us our weight in the Legislative branch, or, he doubted North-Carolina would be neglected there too. As for myself, sir, I neither expect, nor desire any office in the gift of the Government; but I wish to see North-Carolina receive her due portion. She has sons of talents, and of worth, who would fill with honor to themselves and the nation, any office in the Government; but, as long as we follow Virginia, they will remain in obscurity. And, what better things can we expect, if Wm. H. Crawford is elected? He is the Virginia candidate; he will be under Virginia influence and N. Carolina may expect from him Virginia neglect and disdain. But, sir, we may hope for better treatment, from John C. Calhoun. He comes from a state, bearing half of our name; and possessing the same interests and feelings with ourselves: a state, too, that is smaller than our own, and she will find it necessary to conciliate her larger sister by acts of kindness and confidence.[133] Besides this, sir, already, has Mr. Calhoun given proofs of his high regard and friendship for North-Carolina, and of his attention to our interest. Sir, it is to him, and to him alone, that we owe the acquisition of the Cherokee Lands—an acquisition which has already brought a large sum into our Treas-

[132] In the eight presidential elections in which North Carolina had participated, she had cast her vote for the same candidate as Virginia. In 1796, Virginia and North Carolina each gave Adams one vote. In all other elections, Virginia's vote had been solidly Republican. However in 1800 Adams received four and in 1808 Pinckney three of the electoral votes of North Carolina. In the Republican caucus of 1816, the Virginia delegation was for Monroe while that of North Carolina was for Crawford; but in the election Monroe received the entire vote of North Carolina. *Niles' Register*, X, 59-60; E. Stanwood, *A History of the Presidency*, pp. 39, 51, 63, 84, 95, 104, 109, 110, 112, 121.

[133] In March, 1823, Calhoun wrote to a Salisbury supporter: ". . . . it appears to me that the ground might be taken with advantage both in your papers and correspondence of supporting the Carolina candidate. The two States were originally one, and ought probably never to have been separated. Their character and interest are the same; and if they should act together North Carolina, as being the greater, must have proportionally greater influence." Calhoun to [?], Washington, March 18, 1823. Fisher MSS. Library of the University of North Carolina.

ury,[134] and will bring much more; but for the proceeds of these lands, our works of Internal Improvement would ere this have stopped. There is yet another instance of his regard for equal rights and for North-Carolina. The Academy at West Point, is a National Institution; before Mr. Calhoun came into office, it was supplied with young men, chiefly from Virginia, and a few other states—North-Carolina had but little share; but since Mr. Calhoun has been in office, he has established a principle of equality, and North-Carolina has come in for her share of Cadets.[135] The gentleman from Fayetteville, (Mr. Strange) tells us that he is a Virginian, and that he is proud of his birthplace; sir, these are very natural feelings, and it is to be expected that he would act under their influence; but he will permit us, who were born in North-Carolina, also to cherish the character of our native state. Sir, said Mr. F. I admire Virginia, she has produced a race of great men, and of high-minded politicians; but, this is no reason why North-Carolina should come and go to her beck and nod.—I would wish to see North-Carolina under the influence of no state. I wish to see her act on her own lights, and worthy of the character of a great state. Until she does act in that way, she will never obtain her just influence among the other states of the Union.

Mr. RAINEY[136] rose and said, while attentively listening to the speech of the gentleman from Rowan, who was last up, he had got into a kind of reverie, and had been so led away as to forget that he was sitting in the Commons Hall as a legislator, and had fancied himself at a Musterfield, listening to an Electioneering harrangue, for never had he heard a more complete one.

Mr. MARTIN,[137] of Rockingham, said, that he had not intended to have risen on this subject, nor should he have done so, had it not been for a remark which fell from the gentleman from Fayetteville (Mr. Strange) yesterday, as to the bearing which the present vote would have upon the Presidential Election. He could say that his vote on this question would have no connection with that which he should give on that election. He should vote against the Preamble and Resolutions on the table, because he considered them as embracing an illegitimate object to be brought before this body.—If it were a subject of great national importance on which the General Assembly were called upon to express an opinion, it would be a different matter, but he did not believe the House

[134] Calhoun conducted for the United States the negotiations with the Cherokee chiefs which resulted in the Treaty of 1819, signed February 27 and ratified March 10. *Treaties between the United States of America and the Several Indian Tribes, from 1778 to 1837*, pp. 265-269. In 1819, the proceeds from the Cherokee Lands, and dividends from the stock held by the State in the banks of New Bern and Cape Fear were set aside as a Fund for Internal Improvements, and a Board of Internal Improvements was created to direct the policy adopted by the State. W. K. Boyd, *The Federal Period, 1783-1860*, p. 94.

[135] Calhoun re-organized to a considerable extent the West Point Military Academy. He recommended an additional Academy to be located conveniently for the South and West and the establishment of a "school of application and practice." R. K. Crallé, *The Works of John C. Calhoun*, V, 54-57, 72-80; W. M. Meigs, *Life of John C. Calhoun*, I, 245.

[136] James Rainey of Caswell.

[137] Robert Martin of Rockingham County, member of the House of Commons, 1822, 1823, 1824, 1825; state Senate, 1829, 1830, 1831, 1832, 1833, 1834. *North Carolina Manual, 1913*, pp. 785-786.

had any right to direct the conduct of our members of Congress in the matter now before them.

Mr. M. said he was opposed to the gentleman who would probably be recommended as a candidate for the Presidency, if a Caucus were held at Washington, and he wished this distinctly to be understood. But he should nevertheless, vote for the indefinite postponement.

Mr. M'AULEY[138] observed, that these Resolutions proposed to instruct our Members of Congress not to go into a Caucus at Washington, for the purpose of nominating a Candidate for the Presidency. As to going into a Caucus with closed doors, he was not for it. But as to their holding a meeting for the purpose of determining which of the Candidates now before the public, it will be best to unite in supporting, he could see no objection to it; but he did not believe the General Assembly had any thing to do with it. We came here, said he, to legislate for the State, and not to instruct our Members of Congress as to their duty. They received their powers from the same source which gave us ours, and we must all account to our constituents for our conduct. He was willing to record his vote against interfering with what did not belong to us.

Gentlemen, said he, talk about Republicanism. He had always been a Republican; nor had he ever back-slided, and he hoped he never should to the day of his death!

The question was then taken on the motion indefinitely to postpone the Preamble and Resolutions, and carried 82 votes to 46.

The Yeas and Nays were as follows:

YEAS—Messrs. Ashe, W. D. Barnard, Blackledge, J. M. Bryan, Brown, Bowers, Baker, T. Bell, C. Barnard, Brodnax, Bynum, Barrow, Brower, S. A. Bryan, L. Cherry, Copeland, Cole, Clancy, Davis, Davenport, Elliott, Fox, Frederick, Forbes, Gary, Gordon, Holland, Hoover, Howell, Horton, Hassell, R. A. Jones, Jeter, Jarman, R. H. Jones, Kilpatrick, Leonard, Lowrie, Lamon, Lewis, Mhoon, Melvin, Miller, M'Cawley, M'Daniel, T. N. Mann, R. Martin, E. Mann, Mewborn, Oliver, Pugh, Roane, Rainey, Ramsay, Stedman, Stephens, Stewart, Seawell, Sidbury, Sellers, Smith, Strange, Tillett, Taylor, Thompson, Turner, Wm. Underwood, D. Underwood, Vann, Webster, S. Whitaker, Walton, Worth, White, Watson, J. G. A. Williamson, Webb, Wright, L. P. Williamson, Walker, Whitehurst, W. Walton—82.

NAYS—Messrs. Alston, Alford, E. H. Bell, Bodenhamer, Baine, Brooks, Beall, Collins, Conrad, Croom, J. Cherry, Carson, Clement, Campbell, Dargan, Edmonston, Edwards, Flynt, Fisher, J. Gordon, Graham, Hargrave, J. L. Hill, Helme, Henderson, Hastings, Hellen, Hunter, J. A. Hill, Iredell, Love, McMillan, M'Neill, Melchor, M'Lean, Morgan, A. Martin, Mebane, M'Farland, Polk, Shepperd, Stanly, White, Weaver, Ward, Wilder—46.

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[138] John McCauley of Orange County, member of the House of Commons, 1822, 1823. *North Carolina Manual, 1913*, p. 740.

Since the sketch of Mr. Hill of New-Hanover's remarks, (which is in page 26 of this pamphlet),[139] appeared in the Register, we have received from him a more full report of his speech on the occasion, which we publish as follows:

Mr. Speaker, the gentleman from Beaufort, Mr. Blackledge, complained of his inability to follow the gentleman from Rowan, in the devious path of his argument. His own course, sir, has been sufficiently eccentric. He has wandered from the subject, properly before the house, and sought to revive an empty but odious distinction, which should have slept forever in the tomb of the Capulets. When called upon for a manly expression of his sentiments on a great constitutional question, he raises the stale cry of "party," and avoiding a fair and open field of debate, secures himself behind the rampart of party prejudices. There I shall leave him, sir, to cherish in his own breast, if he has failed to excite them in the bosoms of others, the corroding animosities of party.

The gentleman from Caswell, Mr. Brown, has urged, in behalf of a Caucus, that the members of Congress, from their situation and superior intelligence, would be more likely to make a wise selection from among the numerous candidates for the Presidency, than the *people,* scattered as they are over such an extent of territory and residing so remote from the seat of government. In a Republic, where the virtue and the intelligence of the people ought to be considered the only legitimate basis of their sovereignty, this is a most singular argument. It is, sir, in effect, to assert, that the Constitution has secured to the people a privilege which they are too ignorant to exercise, and, consequently, of which they ought to be deprived. I see on the table before me, the last message of our venerable Chief Magistrate,[140] he holds opinions on this subject widely differing from that expressed by the gentleman from Caswell, "We are all, &c."

The people, Mr. Speaker, are, in truth, sovereign; they have, however, chosen to delegate a part of their sovereign power, to be exercised under limitations, by their appointed agents, reserving to themselves certain privileges to be exercised in their collective capacity; among the most important of these privileges is the right of choosing by their free unbiassed suffrages, the Electors of President and Vice President. To guard this important right, to secure the people in its free exercise, is the professed object of the resolutions on your table. There is not, I would willingly believe, in this House, one who would not be prepared to resist, to the utmost of his ability, any attempt to disfranchise this nation, any direct attempt to deprive the people of any one of their Constitutional rights. Is it not equally our duty to guard against any improper interference with or encroachment upon these rights? But how, it is asked by the advocates of Caucus, does the nomination of a President encroach upon the province of the people? They are not bound to respect it. It

[139] *The North Carolina Historical Review,* IV, 464-466.

[140] Monroe's Message to Congress, December 2, 1823. *Annals of Congress,* 18th Cong., 1st sess., p. 12.

carries with it no binding force. True, sir, the members of Congress, deliberating in Caucus, are acting without the scope of their agency, and, consequently, what they do is not binding on their constituents. But when, sir, has a nomination so made, failed to determine the event of an election? The truth is, that though it has, in law, no force, it has yet in *fact,* all the authority of a *law.* Besides, sir, we should reflect that we legislate, not merely for the present, but for the future. We should be careful to transmit to those who come after us, unimpaired, the rights we have received from those who have gone before us. We all know how readily customs grow into precedents and acquire authority. Thus, sir, what is now permitted to the Members of Congress, they may hereafter arrogate as a right, and the modest voice of recommendation, be exchanged for the proud tone of dictation.

My chief objection to the practice of Caucusing, is, that I think it opposed to the spirit of the Constitution. By that instrument, Members of Congress are disqualified from serving as Electors. The object of the disqualification is plain. In the event of a failure on the part of the Electoral College to make a selection it becomes the duty of the House of Representatives to choose the President from the three candidates having the highest number of votes; did not the disqualification exist, the indecency might occur of a man's deciding a controversy he had prejudged. If the Electoral College fail to make a choice, it becomes the constitutional duty of the Members of Congress, to vote for that man, whom he deems in his conscience best qualified for that office. Is he equal to this duty, whose judgment is warped by prejudice and whose passions are excited by previous controversy? Does the Caucus Member of Congress discharge faithfully, the high trust reposed in him? Does he vote according to the dictates of his judgment and the voice of his conscience? No, but disregarding the one, and hushing the other, he votes as a majority of his friends in Caucus dictate; he cannot exercise even a common discretion; he has already resigned the right of self-action; he has surrendered himself a passive instrument in the hands of others. A vote is put into his hands; he stands pledged to render it, no matter whether it be averse to the wishes of his constituents, or contrary to his own feelings and inclinations.

It has been further urged, sir, in support of a Caucus, that from the number of candidates, and the divided state of the public mind, there is great probability of the election finally falling into the House of Representatives, unless the opinions of the people are concentrated by means of a Caucus recommendation. If, Mr. Speaker, the nomination by the Members of Congress is to have the effect so confidently anticipated from it, will it not be the Members of Congress who, in effect, make the President? And is not this, sir, exactly that, which gentlemen wish to avoid? This method of avoiding threatened danger, by rushing madly upon it, is truly one of singular novelty and ingenuity. For my own part, Mr. Speaker, I should regret to see the election fall into the House of

Representatives; I would save that body from an exposure to temptation and a consequent liability to corruption; but it is the mode pointed out by the Constitution, and I had rather that the most inefficient man in the nation should be elevated to the Presidency than that one jot or tittle of the Constitution should be violated. The mischiefs of a weak or partial administration of our affairs might be repaired by the wisdom of succeeding rulers, but where, sir, would you find an antidote to the poison of a vicious precedent? In the one instance, the injury sustained by the country would be partial and might be repaired; in the other, the wound inflicted on the Constitution would be hopeless and irremediable.

But we are told, Mr. Speaker, by the advocates of a Caucus, that this practice which we so much reprobate, is approved by the example of men, distinguished for their patriotism and republican principles. I confess, sir, I am not of that number who are easily influenced by the magic of a name; I will not blindly adhere to customs merely because there is warrant for it, or without enquiring into their origin and tendency. As to this particular custom, sir, it is one which, in my opinion, is "more honoured in the breach than the observance." It is a custom which had its origin in party intrigue, which is persevered in to the prejudice of popular lights, and which threatens to grow into a precedent dangerous to liberty itself.

[*Concluded.*]

HISTORICAL NOTES

Edited by D. L. Corbitt

These notes are on miscellaneous subjects such as an article on the liberties of America and the commerce of the American colonies; current prices of merchantable produce at Wilmington, N. C., in 1796; Samuel Latimore declaring himself insolvent in order to be released from jail where he was placed for debt; escheated lands advertised for sale; a list of books for sale at the printing office in Wilmington, N. C., in 1795; announcements for several men for seats in the General Assembly; current prices for merchantable produce at Wilmington, N. C., in 1796; an advertisement of a commission merchant; Josiah Martin notifying the people that surveys made in Granville's district were made without authority; Governor Martin calling for the entry books for land in Granville's district; power of attorney for Earl Granville given to Josiah Martin; treasurer and deputy treasurers for the Continental Loan Office for North Carolina appointed; medicine and herbs advertised; advertising for rags from which to make paper; a Thanksgiving sermon to be printed by public subscription; a variety of merchandise for sale; a lawyer from Jamaica opens his office for the practice of his profession in the State; and James Carney advertising he will inspect country produce, and will also pack the produce in barrels.

WILL AMERICA SUBMIT TO SLAVERY?[1]

MR. PRINTER,[2]

I Am a Trader and Settler here, and have now by me several Commodities, some of which I want to ship, and some to dispose of. I sent some Things lately down to Wilmington for both Purposes, could neither ship, or sell for Money; and indeed, I find Cape-Fear the only Port[3] in all America, shut up; for I am informed, all the other Ports in this very Province are open, and Trade and Commerce carried on as usual: And what very greatly surprizes me, is, that three Vessels[4] are now seized on by the Men of War,[5] and many others coming in, have gone

[1] *North Carolina Gazette*, February 12, 1766, p. 1, c. 1.

[2] Andrew Steuart.

[3] When in 1765, the Stamp Act requiring all American papers to be stamped in order to raise revenue, was passed by the British Parliament, the people of Wilmington refused to buy them; and when the ships, *Dobbs* and *Patience*, attempted to sail they were seized by the British authorities because their clearance papers were not stamped. The people under Gen. Hugh Waddell marched to Brunswick to gain the release of the ships. Fort Johnston was seized. The British ship was boarded and an agreement reached.

[4] *Dobbs, Patience* and *Ruby*.

[5] *Viper* and *Diligence*.

off again, for Fear of sharing the same Fate; the Courts[6] of Justice shut up, and a total Stagnation of Business; and all this without the least Notice being taken thereof; which surprizes me beyond Measure.—Where now is your late boasted Courage and Resolution? Have the Wilmingtonians,[7] Brunswickers and New-Hanoverians, lost their Senses and their Souls, and are they determined tamely to submit to Slavery?—O! horrid dreadful Thought!—But say some among you, we are waiting for the K—g' At—y's[8] Fiat, whether we are to be Free Men or Slaves; and whether the Port and Courts shall be open.—Rouze for Same, act the Man, open your Port and Courts, arrest the Men who have made illegal Seizures, and been the Means of detaining those Vessels, and put them under Pain of Military Discipline, if they dare to seize any more.—Delays are dangerous; there is no Time to lose; perhaps in a short Time it will be too late, for your tamely submitting to what has passed, appears to be a tacit Submission in Part, to the Act:—Be not deceived with the laconic Advice of some, who perhaps want Popularity, Commissions, Custom, or have some other sinster Views; 'tis *Liberty* calls you, dear *Liberty!* Be therefore unanimous, and put on a firm Resolution without Loss of Time, to protect and defend to the utmost of your Power, your Liberties and Properties from all invaders and Opposers; and at the same Time, preserve inviolably your Faith and Allegiance to the best of Kings.

PHILANTHROPOS.

As at this juncture every speculation written on the other side the water respecting America, tends in some measure to gratify the ardent expectations of the Colonists, we presume the following extracts from a late English print, will not be unacceptable to our readers, both as they contain sentiments which have been broached here, and convince us we are not without friends even in that part of the world, and as we may thereby form some judgment of the additional colouring that will be given them when they come to know all! The author, after having made some remarks on a court pamphlet wrote in vindication of the late ministry, which are foreign to the affairs of America, proceeds thus:—

Was it not these very men who most judiciously found out the method to ruin the trade[9] of North-America, by which the people there are not only beggared, but an end put to any demand for manufactures from Bri-

[6] After the seizure of these vessels, proceedings were begun in the Admiralty Court for their release, and immediately the Collector, William Dry, put three questions to the attorney general; first, whether the failure to obtain clearances on stamped paper justified the seizure; second, whether judgment ought to be given against the vessels "upon proof being made that it was impossible to obtain clearances" on stamped paper; third, whether the proceedings should be instituted in the Admiralty Court at Halifax, Nova Scotia, rather than at Cape Fear. But before the attorney general made his answer, an agreement had been made.

[7] The people from New Hanover, Brunswick, Onslow and Duplin formed an association, and offered resistance to the stamp act.

[8] Robert Jones, Thomas Child held a commission at the same time, but he was in England during part of his term.

[9] The Navigation Acts, which gave a monopoly of American trade to the mother country, had been evaded by a system of smuggling. The duties required by the Navigation Acts were now reduced and a vigorous effort exerted to collect them. A considerable naval force was dispatched to America with the idea of suppressing the clandestine trade with foreigners. The revenue expected was to be supplanted by the Stamp Act.

tain, as they can have no money to pay for them?—This honest Mr. G. G—le[10] was not content to hinder Spanish guards coastas from being disturbed in ruining our trade, but he sent ships of war to prevent our settlements from getting a shilling of Spanish money in exchange for our manufactures, even tho' brought in Spanish bottoms. This indeed, was so high a stroke of either want of common sense, or common honesty, that I cannot imagine how it ever could enter into the head of any British minister,[11] and therefore I believe it was a measure that came from Versailles, and was planned by the same French minister who planned the terms of peace,[12] in order to ruin as effectually, and throw the trade by which Spanish money was to be had, into the hands of France and Holland.—The trade of North America took off before this diabolical contrivance, about two million of our manufactures yearly; and as every 10 years the inhabitants double, in 60 or 70 years the demand must have been increased in proportion; and as by our possessions there, we can be furnished with almost every thing we can want. France[13] knows that if we keep well with them, we must soon be the most powerful nation in Europe, and therefore are contriving every method to make us quarrel with them; and I look upon all the schemes contrived by the late ministry to oppress our settlements in that part of the world, to take their rise from their friends at Versailles.

Was it not these very now pretended patroits, who, by their own authority, without consent of parliament, ordered the commissioners to order their collector to exact four and a half per cent. on the produce of our new asquisitions in America, after they were declared part of the British dominions?—By the calculations made by Joshua Gee, and others since made, it appears that we are out of pocket yearly seven or eight hundred thousand pounds for timber, hemp, flax, tar, and other naval stores, from the Baltick and Norway: all which we can have from our own settlements. We are double that sum in expense for French wine and brandy, every farthing of which is spent to ruin us, and to destroy the liberties of Europe; these we can have from our own settlements, by improving them properly. In short, we can have every thing we want, if we encourage them; and as the French know that a good correspondence between them and us, would make us the greatest nation in Europe, they and the devil together, put in the late ministers heads to have no regard to their power to break that natural affection for their mother country.—

Yesterday (the 11th of February) being the day appointed by his Majesty's Writs for the electing of Representatives to sit in the ensuing Assembly. John Ashe[14] and James Moore,[15] Esquires, were chosen unani-

[10] George Grenville.

[11] Rockingham, whose Ministry followed the fall of Lord Bute.

[12] In February, 1763, Bute concluded with France the Peace of Paris, which gave England a great deal, but not nearly as much as she expected. Louisiana was soon sold to Spain, Florida was seded by Spain, but England returned her Havana and Manila.

[13] The old jealousy of England against France and Spain soon became only a secondary consideration in European politics, for France was becoming too weak to do England much harm. Tant's *An Advanced History of Great Britain,* p. 573.

[14] Elected from 1754 to 1775.

[15] Elected from 1764 to 1774.

mously for the County of New Hanover, and Cornelius Harnett,[16] Esqr. for the Borough of Wilmington—A[l]l [acts] of the new Assembly shall be published as soon as the Writs are return'd.

No Vessels have come into our River for these two Weeks past, nor do we expect that any will venture in, except European Vessels, and those from such Islands as have taken the Stamps. The Ports of Ocracock, Beaufort, Cape Lookout, &c., are the only Asylum that the Vessels bound to this Port have.

PRICES OF COMMODITIES AT WILMINGTON 1796[17]

WILMINGTON PRICES CURRENT
MERCHANTABLE PRODUCE

Exports.

Tobacco,	100 lb.	4 75	5	
Rice,	100 lb.	5 75	6	in dem.
Flaxseed, pr. csk. of 7 bush.				none
Flour,	bll.		13	scarce
Pork,	bll.	15		
Beef,	bll.	9	10	
Tar,	bll.	1 25	1 40	
Pitch,	bll.		2 23	desirab.
Turpentine,	bll.			
Bee's wax,	lb.		30	in dem.
Butter,	lb.		17	
Tallow,	lb.		14	
Lard,	lb.		13	
Bacon,	lb.	11	12	
Lumber assorted,	M feet		10	
Shingles, 22 inch,	M pcs.		1 66	
Staves, w. o. hhd.	M pcs.		19	qck. sale
----------, w. o. bll.	M pcs.		10	
-- -----, r. o. hhd.	M pcs.		11 50	
Corn,	bush.		1 33	
Pease,	bush.			none

Imports.

Spirits, 4th proof,	gall.		1 50	
Spirits, 3d,	gall.			
Spirits, 2d,	gall.			none
Spirits, 1st,	gall.		92	
Molasses,	gall.	58	60	
Muscovado Sugar,	100 lb.	13	14	
Coffee,	lb.		29	scarce
Salt,	bush.		60	plenty

[16] Elected from 1754 to 1775.

[17] *Wilmington Chronicle & North Carolina Weekly Advertiser*, April 14, 1796, p. 3, c. 3.

IMPRISONED FOR DEBT[18]

WHEREAS I am now confined in the public goal[19] of Edenton, on an execution at the suit of William Orrenton, for the sum of four pounds ten shillings, and not being possessed of any estate real or personal, and at this time in no capacity of making any payments to my creditors, and having a poor distressed wife and children who rely altogether on my labour for their daily bread: Do humbly and with reluctance give notice to my creditors, that I intend to take the aid of the act of Assembly which gives relief to poor, insolvent imprisoned debtors, that after having complied in all respects with the law, I shall apply to two Justices of the Peace of Chowan county, for relief and a certificate of discharge. Therefore I pray and request their attendance at the prison door in Edenton, on the sixteenth day of February next, to make objections against my discharge, if they have any; of which I humbly pray they will take notice.
Jan. 26. SAMUEL LITIMORE.

ESCHEATED LANDS FOR SALE[20]

LANDS FOR SALE

On the sixth day of the term of the next superior court to be held in Wilmington, at the court-house in said town, will be offered for sale the following tracts[21] or parcels of land, to-wit,

640 Acres lying in Brunswick county, on the south west side of the north west branch of Cape Fear River and on the south side of Livingston's Creek, being the same land granted by patent the 22d day of May, 1772, to J. Carter, heir to Edward Carter, deceased.

400 Acres situate in Duplin county, on the Beaver Dam Branch of Limestone, formerly possessed by one Morgan Sweeny.

148 Acres situate in New Hanover county, on the west side of the north east branch of Cape Fear River, joining the upper side of Benjamin Evan's land; on the Welch tract where John Wright and Francis Drumgold formerly lived; being the same land which was conveyed by Arthur Benning to Andrew Thomson.

600 Acres, or thereabouts, situate in the last mentioned county, on Black River, formerly possessed by Achilles Roan, and the possession

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[18] *State Gazette of North Carolina,* February 12, 1789, p. 4, c. 2.

[19] Laws of North Carolina, 1715, chapter XXIV, provided that a person could be committed to jail for debts. *State Records of North Carolina,* Vol. XXIII, p. 27 Laws of North Carolina 1741, chapter XV, provided in addition to committing a person to jail for debt that the justice of the peace had power with the consent of the plaintiff to hire the defendant at so much per diem to be applied to the debt until the same be paid. *State Records of North Carolina,* Vol. XXIII, pp. 176-177. Laws of North Carolina, 1773, provided for the relief of insolvent debtors by allowing the debtor to set forth his case of insolvency and give notice to his creditors to attend court and show cause why he should not be released. After hearing the case the justice of the peace could release the debtor. *State Records of North Carolina,* Vol. XXIII, p. 900-901.

[20] *The Wilmington Chronicle & North Carolina Advertiser,* September 24, 1795, p. 1, c. 4.

[21] Laws of North Carolina, 1789, chapter XX, provided that all escheated land be used for the purpose of erecting buildings and paying professors and tutors at the University of North Carolina, which was provided for in the constitution and authorized by the General Assembly in act passed in December, 1789. *State Records of North Carolina,* Vol. XXV, pp. 21-25.

thereof lately recovered from J. Devane, by the trustees of the university of North Carolina.

Also, one water lot, situate in the upper part of the town of Wilmington, lying between the lots whereon mr. J. Loudon and mr. W. Cutlar now live; measuring 66 feet in Front-street, and from thence running down to low water mark, being the lot which Robert Ellis formerly conveyed to one Henry M'Culloch, and is now in the possession of mr. W. Cutlar, as tenant under the trustees.

The persons last seized of the foregoing lands dying without lawful heirs, the same lands became escheated, and were granted by the general assembly of the state to the trustees of the university of North Carolina, and will be sold agreeable to the ordinances of the board of trustees.—A credit of one, two, and three years will be given, and to secure the purchase money bonds with approved security, together with a mortgage of the premises, must be made and delivered.

W. H. HILL,
Attorney for the trustees of the university.

BOOKS FOR SALE[22]

BOOKS

For Sale, at Carey's[23] *printing-office,*

FOLIO.

Carey's War Atlas: Containing a map of the United Provinces, map of Austrian, French, and Dutch Netherlands, map of France, map of Germany and Switzerland, map of Spain and Portugal, map of Italy and Sardinia, and a chart of the West Indies.

QUART[O]

Burmann's Quintilia[n 2 tom.]
Portlock's voyage to [the N. W. coast of America]
The Phaedrus of P[lato. From the Greek.]
The expeditious in[structor: or reading, writ]ing and arithmetic [made] plain and [easy]

OCTAVO.

American museum. 12 vols
Bell's surgery. 7 vols
Bruce's travels. 6 vols
B[o]urgoanne's travels through Spain. 2 vols
Coxe's view of the United States of America
Humphreys' (colonel) miscellaneous works
Helvetic liberty: or, the lass of the lakes

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[22] *The Wilmington Chronicle and North Carolina Weekly Advertiser,* October 22, 1795, p. 3, c. 4.

[23] James Cary published *The Wilmington Chronicle and North Carolina Weekly Advertiser.*

History of Algiers
Impartial history of the French revolution
Jefferson's notes on the state of Virginia
Jocky club
Love's surveying
Life, character, &c. of Watts and Doddridge
Moore's (doctor) journal in France, 2 vols
. ..... Zeluco
Plowden's history of the British empire
Smith's history of New York
Trial of Maurice Margarot for sedition
The young book-keeper's assistant
Treatise on the management of peach and nectarine trees
Sillar's Scottish poems
Wallis on the art of preventing diseases and restoring health.

DOUDECIMO

Arabian nights entertainment. 4 vols
[A]merican theatre. In 1 and in 2 vols
American jest book. Part first and second
Book of common prayer according to the rites of the protestant episcopal church of the United States of America
Brown on the natural equality of men
Blair's sermons, 3d volume
Baron Trenck's memoirs
Bleecker's (Ann Eliza) miscellaneous works
Beauties of Fielding
Brydone's tour through Sicily and Malta
Blair's lectures abridged
Charmer. A collection of songs
Duncan's elements of logic
Edwards on religious affections
[Fe]male jockey club
[Farm]er's (American) letters
[Fisher]'s young man's best companion
[Frien]d of youth. 2 vols
[Goldfi]nch: a collection of songs
[G]ustavus Vassa's life. Written by himself
Gough's arithmetic
Haunted priory. A romance, founded on fact
Howard's life
Holy war (Bunyan's), Shaddai against Diabolus
History of North America
History of South America
Incidents of youthful life
Inquisitor. By mrs. Rowson.

Joseph Andrews
Johnston's spelling dictionary
Life of doctor Franklin, written by himself
Lady's friend
Life of Voltaire, partly written by himself
Life of general Lee, with his essays and letters
Life of Lady Jane Grey queen of England
Night thoughts, by doctor Young
Odiorne's miscellaneous poems
Plays. A collection of. Consisting of, No song no suppe[r], the farmer, wild oats, and the romp
Pulpit and desk. A dialogue, wherein the common errors in practical religion are refuted
Paine's age of reason
Paine's jest book
Ready reckoner; or, trader's sure guide
Roderick Random, 2 vols
Spectator, 8 vols
Vocal remembrancer. A collection of songs
Westminister catechism explained
Watts on the improvement of the mind

CANDIDATE FOR GENERAL ASSEMBLY[24]

TO THE ELECTORS OF THE TOWN OF WILMINGTON

Fellow citizens,

Desirous to serve the country in which from my infancy I have been, and during life I expect to be resident, I offer myself a candidate to represent you in the ensuing general assembly.

Should I acquire a majority of your suffrages, my abilities (though of them I am diffident) and my integrity shall be warmly attached to your local interests, and those of the state.

Certain it is, that I am not experienced in legislation, but a virtuous emulation is rather encouraged than discountenanced.

I am,
With the highest respect and sincerity,
Gentleman,
Your most obedient servant,

JAMES WALKER,[25]
Nephew of Major Walker,
in order to distinguish.

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[24] *The Wilmington Chronicle & North Carolina Weekly Advertiser*, April 14, 1796, p. 3, c. 2.

[25] Was not elected in that election but was elected to represent Wilmington in 1798. Henry Urquhart represented Wilmington in 1796.

CANDIDATE FOR GENERAL ASSEMBLY[26]

TO THE ELECTORS OF THE TOWN OF WILMINGTON

Fellow Citizens,

At the request of a number of respectable inhabitants of this town, I am induced to declare myself a candidate for the honor of representing you in the next general assembly.—The towns are given a representation by the constitution, that the mercantile interest might be represented—Having lived long among you, you know me:—your interest must be mine.

I have the honour to be,
gentlemen,
Your devoted humble servant,

HENRY URQUHART.[27]

July 11, 1796.

CANDIDATE FOR GENERAL ASSEMBLY[28]

TO THE CITIZENS OF THE TOWN OF WILMINGTON

Gentlemen,

It appearing necessary (though at this late period) that I should declare my sentiments thus publicly, to request your suffrages for the appointment of your representative in the next general assembly—I therefore offer myself as a candidate for that honor, and can only say, that I shall act with the same zeal and servency for your interests, as I have heretofore done to serve my country.

I have the honor to be
gentlemen,
your very humble servant,

WILLIAM GREEN.[29]

August 4th, 1796.

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[26] *The Wilmington Chronicle and North Carolina Weekly Advertiser,* August 4, 1796, p. 3, c. 2.
[27] Elected.
[28] *The Wilmington Chronicle and North Carolina Weekly Advertiser,* August 4, 1796, p. 3, c. 2.
[29] Defeated, and Henry Urquhart elected.

PRICES FOR PRODUCE[30]

WILMINGTON PRICES CURRENT
MERCHANTABLE PRODUCE

Exports.

Tobacco,	100 lb.		5	scarce
Rice,			5	
Flaxseed, pr. csk. of 7 bush.				none
Flour, new,	bll.	11	12	scarce
Pork,				
Beef,				
Tar,		1 50	1 75	scarce
Pitch,			2	do.
Turpentine,			2 25	do.
Bee's wax,	lb.		30	in de.
Butter,				out f.
Tallow,				do.
Lard,				do.
Bacon,				do.
Lumber assorted,	M feet	10	11	
Shingles, 22 inch.	M pcs.		2	
Staves, w. o. hhd.				scarce
... ..., w. o. bll.				do.
.. ..., r. o. hhd.				do.
Corn,	bush.		1 25	
Pease,				none

Imports.

Spirits, 4th proof,	gall.		1 50	
Spirits, 3d,			1 42	
Spirits, 2d,				none
Spirits, 1st,			1	
Molasses,		50		
Muscovado Sugar,	100 lb.	13	14	
Coffee,	lb.		28	scarce
Salt,	bush.		60	plent

[30] *The Wilmington Chronicle and North Carolina Weekly Advertiser*, August 4, 1796, p. 3, c. 2.

COMMISSION MERCHANTS[31]

NOTICE

THE subscribers wish to inform their friends, as well as the public at large, that they have opened a store, at the East End of the New Court-House, and intend doing business in the vendue and commission line. Those who will favour them will their custom, may depend upon their utmost exertions to give general satisfaction.

A. TOOMER & HOLT.

Wilmington, Oct. 3.

SURVEYS NOT AUTHORIZED[32]

ADVERTISEMENTS

WHEREAS I have received certain Information, that some People in different Counties of EARL GRANVILL'S District[33] have presumed to survey vacant Lands, without any Colour of Authority whatsoever: This is to give Notice, that there is not, nor has been since the Year 1763, any Person empowered to make Surveys of the vacant Lands in that Part of this Province; that no Respect or Regard whatever will be had to such Surveys hereafter; and that every Surveyor taking upon him to make such Survey's without proper Authority, will be prosecuted for so doing.

Newbern, June 10, 1774. Jo. MARTIN.

GOVERNOR MARTIN CALLED FOR ENTRY BOOKS[34]

WHEREAS it appears that the Books which Entries of Lands in several of Counties lying in Earl *Granville's* District of Province were made, while the Proprietary La[nd] Office was open, until the Decease of the late [John Carteret, Earl] *Granville* in the Year 1763, when that Business closed, have not yet been deposited among the [re]cords of that Office, of which they are an esse[ntial] Part; and that many of them are still in the H[ands] of the Country Entry-Takers, appointed by th[e] [a]gent of the deceased Earl, or their Representative I do in the Name of the Right Honourable R[obert] Earl *Granville,* the present Proprietor, hereby [re]quire all Persons having Possession of any Book, Books, Paper or

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[31] *The Wilmington Chronicle & North Carolina Weekly Advertiser,* October 22, 1795, p. 1, c. 3.

[32] *North Carolina Gazette,* New Bern, July 15, 1774, p. 2, c. 2.

[33] Lord Carteret was Earl of Granville. In 1729 seven of the eight Lords Proprietors sold their interest to the Crown. The persons holding Carolina at that time were as follows: That of Clarendon by James Bertie; that of Albemarle by the Duke of Beaufort; that of Craven by Lord Craven; that of Colleton by Sir John Colleton; that of Carteret by John Carteret; that of Ashley by a minor, John Cotton; that of Sir John Berkeley by Joseph Blake; and that of Sir William Berkeley by Mary Dawson, widow of John Dawson, or Elizabeth Moore or Henry Bertie, there being a legal controversy to determine their rights. Lord John Carteret refused to sell his eighth interest, and in 1743 his tract was laid off with the following description; bounded on the north by the Virginia line, on the east by the Atlantic, on the south by a line in latitude 35° 34" from the Atlantic to the Pacific Ocean, and on the west by the Pacific Ocean. Carteret and his heirs held this tract of land as long as North Carolina remained a royal colony.

[34] *North Carolina Gazette,* July 15, 1774, p. 2, c. 3.

Papers, of that or any other [na]ture whatsoever, which have, or may have any [re]lation to the Business of the Proprietary Estate, for[th] with to deliver the same to me at *Newbern,* w[here] ample Receipts will be given for them; to the [end] that the Office Papers may be immediately arran[ged] in a Manner that may most effectually prevent C[on]fusion, and the Injustice that may possibly arise of it to the People of this Province, in the fut[ure] Conduct of Lord *Granville's* Affairs.
Halifax, May 27, 1774. JO. MARTIN.[35]

JOSIAH MARTIN GIVEN POWER OF ATTORNEY FOR EARL GRANVILLE[36]

NORTH-CAROLINA, ss.

By his Excellency JOSIAH MARTIN, Ecquire, His Majesty's Captain General, Governor, and Commander in Chief, in and over the said Province, &c. &c. &c. as special Commissioner, Agent and Attorney, for the Conduct and Management of the Estate, Affairs and Concerns of the Right Honourable *Robert* Earl *Granville, William Clayton,* Esquire, and Lady *Louisa Clayton,* his Wife.

WHEREAS the Right Honourable *Robert* Earl *Granville,* Viscount *Carteret,* and Baron *Carteret,* of *Hawnes,* in the County of *Bedford,* in the Kingdom of *Great Britain,* only Son and Heir at Law of *John* Earl *Granville,* deceased and *William Clayton,* of *Harlingford,* in the County of *Burks,* Esquire and the Right Honourable Lady *Louisa Clayton,* his Wife, the surviving Executrix and Trustee named in the last Will and Testament of the said *John* Earl *Granville.* HAVE by their special Power of Attorney, under their Hands and Seals, made, constituted, and appointed me their special Commissioner, Agent and Attorney, for the Conduct and Management of their Estate, Affairs and Concerns, with Power to take Possession of, hold and retain, all and singular their Lands, Messuages and Tenements, within this Province, and demand and receive all and singular the annual Quitrents, Escheats, Fines, Forteitures, Revenues, Dues, Duties, and other Issues and Profits arising out of any Lands; and also all Records, Books, Instructions, original Letters and Papers, with the Seals, Cyphers, and all other Things, of what Nature or Kind soever, in this Province, belonging to, or relating and appurtaining to their Estate, Interest or Concerns; and Receipts, Acquittances, and Discharges to make, seal and deliver; and generally to do all other Acts and Things whatsoever, consistent with certain Instructions thereto annexed, as they themselves might or could do if personally present. IN VIRTUE of which Power of Attorney, I DO hereby claim, demand, and take Possession of all and singular the Lands, Messuages and Tenements, belonging to the said Earl *Granville, William Clayton,* and Lady *Louisa*

[35] Josiah Martin last royal governor of North Carolina, 1771-1775.
[36] *North Carolina Gazette,* March 24, 1775, p. 4, c. 1.

Clayton, his Wife, within this Province, together with all and singular the annual Quitrents, Escheats, Fines, Forteitures, Revenues, Dues, Duties, and other Issues and Profits arising out of any Lands now due, or hereafter growing due thereon; and do further claim and demand all Records, Books, Instructions, original Letters and Papers, with the Seals, Cyphers, and all other Things, of what Nature or Kind soever, in the Hands, Custody, Power or Possession, of any Person or Persons whomsoever, belonging to, or relating to the Estate, Interest or Concerns, of the said *Robert* Earl *Granville, William Clayton,* and Lady *Louisa Clayton,* his Wife. AND WHEREAS it is absolutely necessary that a compleat and perfect Arrangement be made of all and singular the Records, Entry Books, and other Papers in the Land Office of the said Estate, before any new Entries for Lands be received, or Grants be passed; and to the End that the strictest justice may be done to Persons having equitable Claims to Lands: I DO hereby require all former Entry Takers forthwith to deliver to me each and every of their original Entry Books, together with an Affidavit to be thereto annexed, setting forth that the said Book contains a true and exact List of Entries, actually and *bona fide* made before the Death of the late Earl *Granville* was notified in this Province, and that at the same Time the Entry Money was by him received; and setting forth whether the said Entry Money so by him actually and *bona fide* received, at the Time of his taking the said Entry, is still by him retained, or whether he hath paid the same to any Person, and whom by Name, together with his Receipt,—or other Voucher for the same; and upon Delivery thereof to me, all and every such Entry Takers shall receive a full and ample Receipt or Discharge for such Entry Book. AND WHEREAS I have received Information, that contrary to my several Advertisements, respectively bearing Date the 3d Day of *May* and the 10th Day of *June* last, many Persons still contine cutting and carrying off from the Lands in the Proprietary Estate of Earl *Granville,* Boards, Staves, Shingles, &c. and also that some People have been surveying the vacant Lands, without any Colour of Authority whatsoever; I DO hereby strictly enjoin and warn all and every such Person to forbear such unjust and unwarrantable Practices, and to depart immediately from the said Lands; and also all Surveyors and others, henceforth to desist from surveying the vacant Lands of the said Proprietary District, on Pain of being prosecuted with the utmost Rigour of the Law.

GIVEN *under my Hand, at* Newbern, *this 7th Day of* March, Anno Dom. 1775. JO. MARTIN.

TREASURER TO APPOINT DEPUTY TREASURERS FOR CONTINENTAL LOAN OFFICE[37]

NEWBERN, March 13.

The Treasurer[38] of the continental loan office[39] for the state of *North Carolina* being impowered to appoint a deputy in each of the towns of *Salisbury, Hillsborough, Halifax, Edenton* and *Wilmington,* for the reception of all such money as may be lent on interest, gives notice that he is on application ready to appoint such deputies, they first entering into bond with security for the faithful discharge of their several offices.

APOTHECARY'S ANNOUNCEMENT[40]

ADVERTISEMENTS

I have just opened a large assortment of fresh imported medicines, among which there is a greater quantity of almost all the following articles, than I could consume in my own practice, in many years, therefore would be glad to supply others, at the lowest terms with whatever they may want, of Peruvian bark, camphire, sweet mercury, opium, rheubarb, jallap, Ipecacuanha, aloes, myrrh, gummastick, magnesia, Spanish flies, Venice treacle, borax, saltpetre, volatile salt of hartshorn, do of salamoniac, camamile flower, brinstone, and flowers of sulphur, &c.

Newbern, May 22. ALEX. GASTON.[41]

CASH GIVEN FOR RAGS[42]

RAGS

CASH given, at the Printing[43]-Office, for RAGS, at the following rate. For good clean Linen Rags of the better kinds, to consist of few or none coloured, or Cotton, ... 30s. per 100 lbs. For the second quality, to consist of the coarsest kinds of Linen, Check and Cotton, coloured, ... 21s. per 100 lbs. For old Sails, Bags, Nets, &c. 11s. For Ropes, Junck, &c. 6s.

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[37] *North Carolina Gazette,* March 27, 1778, p. 4, c. 1.

[38] James Green, Jr.

[39] The General Assembly, through the recommendation of the Congress of Delegates of the United States, passed a law in 1777 establishing a Continental Loan Office at New Bern, the purpose of which was to borrow money to support the war against Great Britain. The General Assembly was to appoint a treasurer of the State, and the treasurer was to appoint deputy treasurers for Salisbury, Hillsboro, Halifax, Edenton, and Wilmington. The duties of the treasurer, after having given bond for the faithful conduct of his office, were to keep an accurate account of all moneys received, and all certificates of the Continental treasury issued for the moneys. *State Records of North Carolina,* Vol. XXIV, p. 130. The General Assembly appointed James Green, Jr., treasurer. *State Records of North Carolina,* Vol. XII, p. 234-235. On January 8, 1778 Green advertised that he was ready to receive money (not less than 200 dollars from any one individual) for the purpose mentioned, and would issue certificates to the lenders for the amount bearing an interest of fixed per cent. *State Records of North Carolina,* Vol. XIII, p. 362.

[40] *North Carolina Gazette,* May 22, 1778, p. 4, c. 1.

[41] Alexander Gaston, the father of William Gaston, was a practicing physician at New Bern.

[42] *North Carolina Gazette,* November 5, 1791, p. 4, c. 2.

[43] F. X. Martin was the printer. In the issue of the *North Carolina Gazette,* November 5, 1791, Martin advertised as follows; "Now in the Press, in pursuance to a resolve of the General Assembly of this State, the first volume of a work entitled—A Collection of the Statues of the Parliament of Great-Britain, which are now in force in the State of North Carolina." Stephen B. Weeks in his *The Press of North Carolina in the Eighteenth Century,* p. 37, does not say when Martin began to publish the *North Carolina Gazette,* but that he was editor and publisher of the issue of March 23, 1793.

A THANKSGIVING SERMON TO BE PRINTED BY SUBSCRIPTION[44]

PROPOSALS
FOR PRINTING BY SUBSCRIPTION,
At ONE QUARTER OF A DOLLAR A COPY—

Those who subscribe for six copies
shall be entitled to a seventh gratis,

A SERMON,
From Deuteronomy[45] iv. 32.

On the Happiness of the United States of America, contrasted with other Nations, Ancient and Modern, particularly with the ancient Israelites.

Delivered on the Day of Public Thanksgiving, *February* 19, 1795.

By SAMUEL E. M'CORKLE,[46] D. D. Pastor of the Church in Salisbury and Thyatira, Rowan county, North Carolina. Subscriptions are received at the Printing-Office in Newbern.

Halifax, June 6.

COMMODITIES FOR SALE[47]

To be sold at Beaufort, *at public sale, on* Monday *the 2d of* Nov. *next, if fair, if not, the next fair day, and to be continued a large, valuable, and well chosen assortment of goods, lately arrived in the ship* DEANE, *Capt.* Bernard Margolli, *from* France.

CONSISTING of cloths, linens and blankets, shoes, hats, caps, stockings, cotton and wool cards, green and bohea tea, window glass, medicines, spices, nails, knives and forks, penknives, needles, padlocks, coffee mills, sleeve buttons, cork screws, snuffers, scissars, razors, stirrup irons, spoons, buckles, carpenter's and blacksmith's tools, door locks and hingees, fishing hooks, gimblets, bridle bits, scales and weights, whips, pencils, sealing wax, combs and snuff boxes, thread, sewing silk, mohair, sail duck, salt, brandy and wines, &c. &c.

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[44] *North Carolina Gazette,* June 20, 1795, p. 2, c. 1.

[45] Deuteronomy 4:32: "For ask now of the days that are past, which were before thee, since the day God created man upon the earth, and *ask* from the one side of heaven unto the other, whether there hath been *any such thing* as this great thing is, or hath been heard like it?"

[46] Samuel Eusebius McCorkle was born August 23rd, 1746 near Harris's Ferry, Lancaster County, Pennsylvania. His parents came to North Carolina about 1756 settling in Rowan County. He secured most of his preparatory training under David Caldwell, after which he went to Princeton where he received an A. B. degree in 1772. He was licensed to preach in 1774. In 1776 he married Miss Steele, a sister of John Steele of Salisbury. He was ordained in 1777. About 1785 he began a classical school at his house and exerted much influence on his pupils. Six of the first seven students of the State University had been his pupils. He died June 21st, 1811. Foote's *Sketches of North Carolina,* p. 349-363.

[47] *North Carolina Gazette,* September 11, 1778, p. 4, c. 1.

LAWYER OPENS HIS OFFICE[48]

NEWBERN, December 24.

HAMILTON BALLANTINE late of the island of Jamaica, attorney at law, acquaints the public that he purposes to reside in this State, where in the course of his practice he only wishes for such encouragements as his integrity to his clients and the justness of their cause merits.

The laws being now opened in their full latitude,[49] he hopes for the promised encouragement of his acquaintance in the different parts of this state, as he purposes to attend the superior courts in the respective districts.

COUNTRY PRODUCE INSPECTED[50]

THE subscriber informs the public that he contunues to inspect country produce: and will, at all times, attend the commands of his friends, at any place within the limits of the town.

He is prepared with several sets of scales and weights; and has numbers of packers and coopers, always ready to attend him; he has also a quantity of barrels and half barrels, of the exact size, for sale.

His charges for coopering and packing pork or beef will be 6d. per barrel.

November 16. JAMES CARNEY.

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[48] *North Carolina Gazette*, January 9, 1778, p. 3, c. 1.

[49] Between 1771 and 1775 the courts of the Colony were practically closed because of the controversy over the attachment clause in the court laws.

[50] *North Carolina Gazette*, January 4, 1794, p. 1, c. 1.

BOOK REVIEWS

THE BORDERLAND IN THE CIVIL WAR. By Edward Conrad Smith. (New York: The Macmillan Company. 1927. Pp. 412. $3.50.)

THE PEACEMAKERS OF 1864. By Edward C. Kirkland. (New York: The Macmillan Company. 1927. Pp. 279. $2.50.)

These two books relate to special fields within the Civil War period of American history. One deals with a geographic division, the other takes up an attitude of mind. Neither follows the traditional paths over the battlefields. In the former Mr. Smith organizes and displays his facts and interprets them in a thesis which he seeks throughout to maintain; Mr. Kirkland in the latter by combining little-known or forgotten happenings leaves them to produce whatever impression they may. Both methods of writing require ability. The former employing more daring lays itself open to greater hazards; the latter in order to rise above a dead level calls forth skillful workmanship. Without regard to the value of the works, Mr. Kirkland has produced the more readable account, and his success does not lie wholly in the more stirring nature of his subject matter.

According to Mr. Smith the Borderland, which he elevates into a fixed term, included "the southern halves of Ohio, Indiana and Illinois, all of Trans-Alleghany Virginia, and all but insignificant parts of Kentucky and Missouri." His purpose is to describe how this region was a unit, geographically, socially, industrially, and politically and to maintain that the Civil War would have been lost without the unified support of this Borderland. While neither contention is capable of absolute proof, it seems probable that from all the evidence that might be produced the latter is more nearly true than the former, even in the face of the fact that the truth of the latter would seem to presuppose the validity of the former. Whether it is true or not Lincoln in 1861 thought that to lose only a part of this Borderland would be equivalent to the loss of the Union. It was with this point of view that he set out to save Kentucky. For the first year of the war (until the southern part of this Borderland had been secured) the Federal military policy was predicated on this conception.

While there is much force in Mr. Smith's contention that the region he delimits and calls the Borderland was a unit, yet it is

easy to push the facts for more than they are worth. Geographically this region might be considered a unit with the Ohio and Missouri rivers holding it together—there ought to be no dispute about river vallies being geographic units. Racially it had in its formation many elements of unity, but when the Civil War broke out racial ties had been weakened by new generations and new blood coming into the northern half. Instead of this region being one social system, the Ohio River really divided it into two. It has often been stated and repeated that there was no fact in antebellum times more powerful than slavery in bringing about social divisions. While among those living in southern Ohio, Indiana, and Illinois there might have been a great toleration of slavery, yet they owned no slaves and the feeling of social friendship that Kentucky and Missouri slaveholders had for these Northerners must have been very slight. Industrially the Ohio River divided stagnation on the south from great activity on the north. And as for the transportation unity that existed, whatever amount there was came about principally from the rivers. A glance at the railroad map (p. 21) will show how completely the southern half of the Borderland was isolated from the nothern half when it came to railroad communication with each other. It is also likely true, and if it were not it would be surprising, that the northern and southern halves of Ohio were more of a unit than southern Ohio and Kentucky were, and the same would hold for Indiana and Illinois. But undoubtedly this Borderland was a unit in its desire to maintain the Union, and there is no attempt here to argue that there was not considerable unity in Mr. Smith's Borderland—there was unity but he argues rather too much of it.

In pursuing his thesis Mr. Smith discusses interestingly and well such subjects as these: the election of 1860, the defeat of proposed compromises, the early secession movement on the border, Lincoln and the border states, the responses of the North, the establishment of West Virginia, armed intervention in Missouri, the neutrality of Kentucky, the Copperhead movement, and the problems of the border states. Mr. Smith has used the most evident sources of information on his subject; a bibliography may be a matter of taste, but I hold them to be worth while. Whatever faults this book may have, none is a major one nor damning. Mr. Smith has handled a subject, none too easy, well.

In the *Peacemakers of 1864* Mr. Kirkland attacks from a new angle that subject which is in itself a new one, that the Southern Confederacy was by no means the unity of mind and heart that was the general traditional belief not long ago. The longings for peace that welled up in the South soon after the war began may not have had the potency in causing the final defeat that the clamors for state rights and all that went with them had, yet those longings were a strong indication of the lack of unity. Of course peacemakers could not long thrive in one section without corresponding fellows in the other. This book recounts in a very interesting fashion the background, ramifications, and chief actors of the peace movement that broke out on both sides of the battle lines. Now and then fanatics appeared with perfect formulas and often they got a sufficiently serious hearing to cause complications which needed considerable explaining later. These peacemakers ranged from William C. Jewett and Mrs. John C. Fremont on the one end to Horace Greely and Francis P. Blair, Sr., on the other. Even Jefferson Davis and Abraham Lincoln listened to the purveyors of peace, and, as is well known, the Hampton Roads Conference was held.

Mr. Kirkland in constructing his background now and then seems to go rather far afield and especially so in his preparations to send Blair to Richmond, but the skill with which he lines up the Blair clan affords a perfect excuse for any charges of unwarranted digressions. He also sets forth with precision and clarity the Copperhead Democrats and Radical Republicans in his discussions of the election of 1864. He has sifted well the printed sources, and has appended a bibliography and an index.

E. Merton Coulter.

University of Georgia.

Andrew Jackson, An Epic in Homespun. By Gerald W. Johnson. (New York: Minton, Balch and Company. 1927. Pp. viii, 303, $3.50.)

The last few decades have witnessed in the United States the development of several able journalists. Such men as Norman Hapgood, Frank Simonds, Claude G. Bowers, Ray Stannard Baker, and Gerald W. Johnson may be compared favorably with the serious popular writers of any contemporary nation. Occasionally

some of these writers turn their attention to modern history. When they do the result is on the whole gratifying.

Bowers, in two recent volumes, has given a vivid and moving account of the Jeffersonian and Jacksonian eras. Johnson, in the work now under consideration, has presented a delightfully dramatic sketch of Andrew Jackson himself. He has not consulted any new sources. In the main he has followed Parton, Bowers, and the late Professor Bassett. His contribution consists in his style, in his ability to select and interpret the significant facts, and in the striking and concise estimate which he gives of Jackson's character and place in American history.

"The wild frontier . . . he subdued. The enemies that rose against him he struck down. He swept the red man beyond the great river. He swept the British into the sea . . . he made the Presidency such a power as it never had been before. He threw down the bars which hedged the people from effective participation in the conduct of their own government," destroyed the "sinister alliance between politics and finance that was swiftly reducing them to economic serfdom," and shattered the Nullification movement. Thus Johnson sums up the contribution of the seventh president of the United States.

In portraying Jackson's character the writer shows no disposition to gloss over or apologize. But he find in him four qualities —"courage, sentiment, vigor and resolution"—which more than compensate for all of the rough and shocking defects. On another page he adds honesty and sexual purity to the list.

In reading Johnson's volume one is often reminded of the recent biographies written by Ludwig of Napoleon, William II, and Bismarck. It reveals the same vivid imagination and dramatic power as well as something of Ludwig's appreciation and use of psychological elements.

When journalists turn to history one suspects that it is with a purpose. The Democratic party's chances of future success ought not to be diminished by Bower's account of the struggle of Jefferson and Jackson against special privilege. Nor should they be decreased by Johnson's portrait of this stalwart champion of the plain people. Those who have aligned themselves on the other side may complain that such works as these are not history and the scientific historians, worshipping their fetish of "history for his-

tory's sake," may join them in their remonstrances. Meantime, the portraits which the journalists have given of the champions of democracy and its foes will live as political and social forces. Of all forms of history, biography would seem most likely to translate itself into action. Either the Democratic party or some other organization based upon Jacksonian and Jeffersonian principles ought to profit by these works.

J. Fred Rippy.

Duke University.

The Rise of American Civilization. By Charles A. Beard and Mary R. Beard. (New York: The Macmillan Co. Two vols. $12.50.)

Last spring when I first saw the announcement of these books in the publishers' catalogue, I had what is technically known as a hunch that the Beards had done a notable piece of work. I am now happy to say that—as one might remark in the Dail Eireann —my hunch was more than correct.

Everyone, at least everyone who reads this erudite gazette, knows that during the last few years there has been much dissatisfaction expressed with the present state of historical writing. Voices not a few have been raised against history written mainly in terms of battles and political campaigns; the same voices have been equally insistent that history should be written in a manner which they not improperly call "new." What was meant by the "new" history was, of course, a chronological and interpretative account of all the main currents of thought and action of a given people within a given time, as distinguished from a mere record of the rise and fall of political systems and from history written from any particular idealistic or materialistic angle. Obviously such a history of America would be a difficult thing to write. One could not qualify for the task as Buckle complained that historians prepared themselves in his day—that is, merely by reading other historians. One would have to have a general knowledge of science and economics and literature and religion and possibly several other things besides "history" as it has heretofore been composed. One would have to be enormously learned, familiar with the spade work of a hundred Ph. D's. One would have to have something of Spencer's faculty for synthesis. Finally one would have to labor (or would have had until lately) in a truer sense than Wilson could

say of his work on "The State," "under the disadvantage of not having any model." No wonder, then, there has been no such synthetic, sociological history of the United States in print.

The Beards, however, have met the above requirements. Here in two compact and beautifully printed volumes is, I venture to say, a more comprehensive, a better organized, a more truthful, and better written account of American civilization than has ever before been set down between four covers. Longer histories of America, histories replete with more specific facts there have, of course, been, but no one heretofore has even attempted such a realistic, synthetic, sociological account of our country as the Beards have given us.

The work is indeed a triumph of erudition and humane intelligence. Apparently the Beards are not only familiar with the orthodox version of every event in American history, but have read every monograph written of late years by the increasing horde of industrious Ph. D's, and in addition have done considerable research at first hand. But even more remarkable than the extent of their learning, is the way in which the Beards have transmuted their learning. There are no footnotes; everything is in the text, yet the story moves forward with an easy sweep which charms the reader. One may open the books anywhere and read page after page with sheer delight. But while the scope of the work is vast —taking as it does the whole of American civilization for its province—it possesses a unity which even the old-fashioned politico-military historian might envy. Every part is interrelated to every other part. Clearly the work is no piecemeal compilation painfully patched together, but the product of a spacious mind which held all its materials without strain and, like Allah, foresaw the end even from the beginning.

To appreciate these volumes one should be familiar with the conventional type of American history at the outset. Not that the Beards are deficient in facts: it is just because they give so many new facts (or facts hitherto known only to the specialist) and because they shed new light on so many old ones, that renders their work beyond the esthetic range of Mr. Babbitt. A bright high school student might indeed read these volumes with pleasure, but only persons long familiar with the conventional type of American history could possibly read them with full appreciation.

While the Beards trace the course of American life mainly to economic causes, they do not over-play the economic motive. There is nothing of doctrinaire perfection about them. They do not write history according to Karl Marx. They refuse to be duped by illusions, whether tough or tender minded. They write as if their motto were "The truth always—no fables."

This absence of fables and insistence upon fact will, of course, prove painful to some professional patriots. The account of the Revolution for instance, (if those dear ladies ever read it) will probably cause a teapot tempest in the D.A.R. The treatment of the "Critical Period"—like Charles Bear's book on the Constitution—will not commend itself to Nicholas Murray Butler. The story of the War to End War will not meet the approval of Wilson worshippers, nor be quoted by county-seat Ciceros on Armistice day. The pages on Normalcy and those on the strong, silent statesmanship now on tap at Washington will not be referred to in Republican handbooks. The my-country-right-or-wrongers can indeed find something to caterwaul about in every chapter. I do not know, however, what they are going to do about it. For the Beards have an extraordinary capacity for sticking to facts, and facts, as the author of "Gil Blas" observed, are stubborn things.

And while the Beards write with a scrupulous regard for facts, with immense erudition, and with literary charm, they also take—as becomes synthetic historians—historical notice of space and time. American life to them is not as something isolated in a water-tight compartment: it has always been affected more or less by reverberations of life from beyond the seas. Thus, for instance, the Beards treat the witchcraft hysteria in New England not as an isolated phenomenon, but as one hot gust in a storm of intolerance that swept over Europe at the same time and reached its apogee in the Inquisition. Again and again one sees how "History spills over frontiers."

And while taking cognizance of space, the Beards also take due cognizance of time. Important factors do not thrust themselves up from nowhere into the story: coming events cast their shadows before them. George III does not suddenly spring oppressive laws on America one foul morning in 1760: one sees the spirit of these laws evolving through the span of a century. Political parties do not come into existence opportunely in order to give the voters two

choices at the polls: one sees two parties developing from the bitter quarrels of the colonists, even before independence. Nullification does not raise its menacing head abruptly in 1860: Kentucky, Massachusetts, South Carolina, and Wisconsin have all championed the idea at one time or another since the administration of John Adams. Thus history, as the Beards relate it, broadens slowly down from event to event.

It is a great work which the Beards have given us. It accomplishes in two compact, perfectly organized, brilliantly written volumes a synthetic interpretation of the whole field of American life—politics, economics, sociology, religion, science, esthetics, and whatever else of importance that has gone into the building of American civilization as it stands today. The savant may read these books with admiration. The layman, if he posses intelligence, may read them with pure delight. As for the student, if he aspires to be well read in American history, he simply must read them—God not hindering him, he can do no other.

CHARLES LEE SNIDER.

DENTON, N. C.

BOOKS RECEIVED

The Training of an American. The Earlier Life and Letters of Walter H. Page. By Burton J. Hendrick. (Boston and New York: Houghton Mifflin Company. 1928. Pp. vii, 444. $5.00.)

North Carolina Newspapers before 1790. By Charles Christopher Crittenden. [The James Sprunt Historical Studies, XX, No. 1.] (Chapel Hill: The University of North Carolina Press. 1928. Pp. 83.)

A State Movement in Railroad Development: The Story of North Carolina's First Effort to Establish an East and West Trunk Line Railroad. By Cecil Kenneth Brown. (Chapel Hill: The University of North Carolina Press. 1928. Pp. xii, 300. $5.00.)

The New England Clergy and the American Revolution. By Alice M. Baldwin. (Durham: Duke University Press. 1928. Pp. xiii, 222. $3.50.)

Andrew Johnson: Plebian and Patriot. By Robert W. Winston. (New York: Henry Holt and Company. 1928. Pp. xvi, 549. $5.00.)

Latin-America in World Politics: An Outline Survey. By J. Fred Rippy. (New York: Alfred A. Knopf. 1928. Pp. 286. $4.00.)

History of American Foreign Relations. By Louis Martin Sears. (New York: Thomas Y. Crowell Company. 1927. Pp. xiii, 648. $3.50.)

Hawaii in the World War. By Ralph S. Kuykendall. [Publications of the Territory of Hawaii. Vol. II.] (Honolulu: The Historical Commission. 1928. Pp. xix, 474.)

HISTORICAL NEWS

The North Carolina Historical Commission receives requests for early numbers of the *North Carolina Manual, Proceedings of the State Literary and Historical Association, The North Carolina Booklet,* and the *North Carolina Day Program.* These publications are out of print. Anyone possessing duplicates of any of these publications is requested to send them to A. R. Newsome, Secretary of The North Carolina Historical Commission, Raleigh, N. C. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in the collections of libraries and students.

Back numbers of *The North Carolina Historical Review* may be secured from the Secretary of the North Carolina Historical Commission at the regular price of $2.00 per volume or 50 cents per number.

Dr. Archibald Henderson is the author of a series of articles in the Sunday editions of the Raleigh *News and Observer* and other state papers as follows: Charles Fisher, March 4; Watauga, an Experiment in Government, March 11; Gen. James Williams, March 25; Richard Jordan Gatling, April 1; James Fergus McRee, April 8; John H. Steele, April 15; James Pinckney Henderson, April 22; Alexander Wilson, April 29; Wilbur Daniel Steele, May 6; Benjamin Cleveland, May 13; and William Blount, May 20.

On May 1, in the hall of the House of Representatives in the Capitol in Raleigh, the Governor of North Carolina and The North Carolina Historical Commission opened a week's public exhibition of the old silver table service presented by the State of North Carolina in 1817 to Udney Maria, daughter of Capt. Johnston Blakeley of North Carolina, in honor of his brilliant career as commander of the sloop of war *Wasp* in the War of 1812. In 1814, the *Wasp* captured a number of prizes, won two naval victories over the British sloops of war *Reindeer* and *Avon,* and soon thereafter mysteriously disappeared. Congress voted a gold medal in honor of Blakeley, and the North Carolina legislature resolved to present

him with a superb sword. When he was finally given up as lost, the legislature resolved that his infant daughter be educated at the expense of the State, and that, in lieu of the sword, a set of tea plate not exceeding in value five hundred dollars be presented to Mrs. Blakeley to be given to the daughter when she reached the age of fifteen years. The silver service, elaborately engraved and appropriately inscribed, was made by Antony Rasch of Philadelphia and received by Mrs. Blakeley in 1819.

The daughter Udney Maria was educated at a total expense to the State of $7,600. Later she went to the island of St. Croix, Danish West Indies, where she married Baron Joseph von Bretton in 1841 and died in childbirth in 1842. Through the descendants of a second marriage of Baron von Bretton, the silver service passed by inheritance to Col. Edward Treffry, C.M.G., now Deputy Lord Lieutenant of Cornwall, England, in whose Cornish castle it lay almost unnoticed until brought to the attention of the public about two years ago by Capt. Edward Page Gaston, F.R.G.S., a London-American antiquary.

Colonel Treffry extended to the State the special courtesy of the exhibition through Captain Gaston who came to the United States on an art lecture tour. At the opening view of the silver service exhibition, which included other Blakeley mementos from the Hall of History, addresses were made by Governor Angus W. McLean, Captain Gaston and A. R. Newsome, Secretary of the Historical Commission.

The exhibition in Raleigh during the week of May 1-5 was largely attended and provoked considerable interest throughout the State. At the request and under the auspices of local organizations and citizens, the silver service was exhibited later by Captain Gaston in Greensboro, Durham, Charlotte, Chapel Hill, Winston-Salem and Asheville.

Mr. W. B. Goebel, A.M., Duke University, has been appointed fellow in history at the University of Chicago.

A bronze tablet commemorating a battle of the Tuscarora War at Fort Nohoroco, March 20-23, 1713, which virtually ended the war and led to the emigration of the defeated Tuscarora Indians to New York, was unveiled at Snow Hill, March 24. The elabor-

ate exercises were in charge of Mrs. W. B. Murphy, regent of the Col. Alexander McAllister Chapter of the D.A.R., which erected the marker. Governor Angus W. McLean delivered the chief address. Brief addresses were made by Mrs. W. B. Murphy, Mrs. E. C. Gregory, Mrs. W. O. Spencer, Judge L. V. Morrill, Mr. J. P. Frizzelle, and A. R. Newsome.

Wide Fields by Paul Green has been issued by Robert W. McBride and Company. This volume of sketches deals chiefly with the class of poor white farmers of the Carolina cotton belt.

Prof. B. B. Kendrick of the North Carolina College for Women is teaching history in the summer school of Syracuse University.

Miss Bernice Draper of the history faculty of N. C. C. W. has been granted leave for the 1928-29 session to pursue graduate work at the University of Wisconsin.

A monument, erected by the citizens of Kitty Hawk on the spot where Orville and Wilbur Wright assembled their first experimental glider in 1900, was unveiled at Kitty Hawk, May 2.

The first annual meeting of the North Carolina Society, Sons of the American Revolution, was held at the Sir Walter Hotel, Raleigh, April 27. President-elect Harrison G. Otis of Rocky Mount was installed by Genealogist-general W. Mac Jones of Richmond; and the state charter was presented by Secretary-general Frank B. Steele, of Washington, D. C. Greetings were extended by Governor Angus W. McLean and representatives of other patriotic societies. Prof. R. D. W. Connor, Kenan professor of history at the University of North Carolina, delivered the principal address, "North Carolina in the Revolution." A. R. Newsome presented the greetings of the North Carolina Historical Commission and the opportunities of co-operation between the two organizations. Mr. W. T. Whitsett of Whitsett is the historian of the North Carolina Society.

At the 39th Congress of the national society, Sons of the American Revolution, held in Washington, May 20-23, the North Carolina society had the double distinction of being the first to present

a state flag to be hung in the national headquarters and of having a charter roll of 325 members—the largest in history of the organization. The delegates representing North Carolina in the Congress were: W. A. Graham and Park Mathewson of Raleigh; E. R. Conger of Edenton; J. A. Houston and B. H. Smith of Charlotte; Dr. D. T. Smithwick, Hill Yarborough, and William Alston of Louisburg; and H. G. Otis of Rocky Mount.

The North Carolina Society, Daughters of the American Revolution, held its twenty-eighth annual session at the Sir Walter Hotel, Raleigh, March 27-29. James A. Reed, United States Senator from Missouri, addressed the Society on the evening of March 27. New state officers elected at the session were: State Regent, Mrs. Charles R. Whitaker, Southern Pines; Vice-regent, Mrs. Ralph Van Landingham, Charlotte; Corresponding Secretary, Mrs. J. B. Swett, Southern Pines.

The Old North State Chapter, D.A.R., unveiled a bronze tablet on March 15 at Bethania to mark the headquarters of General Cornwallis on March 15, 1781.

An article by Derrick Norman Lehmer, "The Literary Material in the Colonial Records of North Carolina," appeared in the April number of the University of California *Chronicle*.

Mr. I. N. Carr, who has been a graduate student in history at the University of North Carolina and Duke University, has been awarded the Angier B. Duke fellowship of $1,000 at Duke University for 1928-29.

Dr. E. M. Carroll has been granted an extension of the fellowship awarded him last year by the Guggenheim Foundation, which will enable him to remain in Paris until September when he will resume his work as assistant professor of history in Duke University.

An unannounced benefactor has offered $10,500 with which to construct an addition to the Wachovia Historical Society Museum building at Winston-Salem on the condition that funds be provided for the proper maintenance of the museum.

Prof. R. H. Shryock of Duke University is teaching history in the summer school of Syracuse University. In the March and April issues of the *Bulletin of the Johns Hopkins Hospital,* he presented "Selections from the Letters of Richard D. Arnold, M.D., Mayor of Savannah, Vice-President and Secretary of the American Medical Association. Medical Series, Parts I and II. 1834-1875." Professor Shryock has been granted leave by Duke University for the 1928-29 session to investigate "The Social Background of the American Public Health Monument," for which work he has been given a stipend of $2,500 by the American Historical Association from the Albert J. Beveridge Fund.

Prof. W. W. Pierson, Jr., of the University of North Carolina, left in June for Caracas, Venezuela, where for six months he will be engaged in historical research.

Prof. J. F. Rippy of Duke University sailed for Colombia in March to conduct an historical investigation under the Carnegie Foundation.

A bronze tablet, erected by the North Carolina Historical Commission and the J. E. B. Stuart chapter, United Daughters of the Confederacy, to mark the site of the arsenal at Fayetteville, was unveiled with appropriate exercises, May 22. The arsenal was authorized by the United States Congress, 1836; captured by North Carolina, April 22, 1861; transferred to the Confederate Government, June 5, 1861; and destroyed by Major General W. T. Sherman, March 11-14, 1865. The arsenal grounds comprised nearly 100 acres on Haymount, the western section of the present city of Fayetteville. Mrs. John H. Anderson was in charge of the exercises attending the unveiling. Brief addresses were made by Governor Angus W. McLean, Mrs. John H. Anderson, Mrs. William Peck, Col. H. W. Butner, S. S. Nash, and A. R. Newsome.

Mr. John Tate Lanning of Duke, C. H. Smith of Carnegie, Prof. J. E. Gillespie of Penn State, and Prof. James G. Randall of Illinois are teaching in the history department of the Duke University summer school.

On April 20, Governor McLean appointed Mrs. Thomas O'Berry of Goldsboro to fill the unexpired term of W. N. Everett, deceased, as a member of the North Carolina Historical Commission.

Mr. R. B. Flanders, a fellow in history at Duke University, has been awarded a prize of $250 by the Georgia Historical Society for an essay on "Two Plantations and a County in Ante-bellum Georgia."

The chief accessions to the manuscript collections of the North Carolina Historical Commission during the months of March-May, 1928, were 551 pages of transcripts and 20 pages of photostats of records relating to eighteenth century North Carolina from the London Public Record Office; 13 letters received by Robert F. Hoke, 1870-1872; and a letter of Andrew Jackson to Commodore Patterson, February 22, 1815.

A bronze tablet commemorating the coming of the original members of the Clan MacNeill to North Carolina in the eighteenth century was unveiled on the campus of Flora MacDonald College at Red Springs, May 23. Addresses were delivered by Col. Malcolm MacNeill, President of the Clan MacNeill Association of America, which erected the marker; Col. Walter Scott, of New York; Robert H. MacNeill, of Washington; MacNeill of Barra, Chief; and Governor Angus W. McLean.

CONTRIBUTORS TO THIS ISSUE

Dr. David Y. Thomas is a professor of history in the University of Arkansas.

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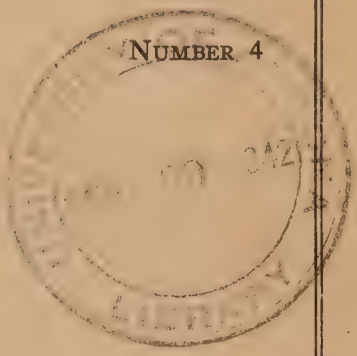

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This review was established in January, 1924, as a medium of publication and discussion of history in North Carolina. It is issued to other institutions by exchange, but to the general public by subscription only. The regular price is $2.00 a year. To members of the State Literary and Historical Association there is a special price of $1.00 a year.

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The North Carolina Historical Review

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THE PRESERVATION OF LOUISIANA HISTORY

By Grace King

A student of history welcomes the opportunity to talk about the archives of Louisiana, a subject fraught with interesting episodes and experiences. In the middle of the last century Louisiana archives lay in a kind of terra incognita, whose aspect chilled all ardor of investigation.

The earliest historians of the State, Francois Xavier Martin and Charles Gayarré, our first native Louisiana historian, gave no help to would be writers. Martin's dry chronicle published in New Orleans in 1827, stepped majestically from great event to great event, making no detours or elucidations; while Gayarré's *Esquisses Historiques,* published three years later, could be called truthfully only a translation of Martin into French if one did not feel behind the narrative the throbbing of youthful blood and a mind of fresh initiative. The excuse has been made for both historians that living so close to colonial days, and in the midst of traditions fresh from original sources, they felt dispensed from the necessity of consulting documentary evidence. They wrote what they knew, and so correct were they in their accounts that they are quoted today as authorities.

Louisiana, to recall the high points of her adventurous history was, from 1699 to 1763, a colony of France; then it became a province of Spain, passing in 1803 into the possession of the United States after a short return to France under Bonaparte. Terminating a probation as territory, it was admitted into the Union in 1811, from which is seceeded in 1861 to enter the Southern Confederacy.

After the war, the State passed under "carpet bag," scalawag, and negro domination. It was not until 1877 that Louisiana recovered possession of herself and became what Napoleon in the treaty of cession stipulated it should be, a sovereign state.

When Louisiana was ceded by France to the United States, provision was made for the transfer of the archives of the preceding government. It was naturally supposed Spain had delivered to France all the records covering her government, which in turn the United States would receive from France. When Laussat took possession of Louisiana in 1803 he caused seals to be placed on all the judicial records, French and Spanish. The mass of documents thus sealed up, remained in that condition until Claiborne became governor. He ordered the seals to be broken, and an index to be made of the documents; but the index was never made. The notary appointed to the task, passed the records on to his successor. At some later period these records reached the office of the secretary of state at Baton Rouge, probably under the Gayarré regime, and were stored in the capitol. But when Louisiana was actually delivered to the United States in 1803, it was discovered that the archives had been stripped, leaving only scattered fragments of the Spanish period. It was learned afterwards that greater portions had been shipped to Havana and to Pensacola, where most of them were destroyed by fire. It has been insinuated by present day writers that the fire in Pensacola was not accidental.

Martin made no continuation of his historical work, except in his decisions as Chief Justice of the Supreme Court of Louisiana, which are sought today for the historical nuggets they contain. Gayarré, however, pushed on with whetted ambition to a fuller history of Louisiana, and it is to him it may be said, writing in full comprehension of the history of the state, that we are indebted today for all that we possess in the way of archives of Louisiana. He lived to an extreme old age but was never an instant recreant to the purpose which he had formed at the age of thirty. In a sojourn in Paris, France, he sought and found in the "Archives de la Marine," the official documents relating to the discovery of the Mississippi and the colonization of Louisiana, the ensuing correspondence with the French government relating to equipping and sending out the various expeditions, the officers and crews, the reports or

memoirs of the pioneers and their first contact with the aborigines; in short, the whole frame work of the enterprise. Gayarré subsequently acquired copies and extracts of these archives which were made by Felix Magne, a citizen of New Orleans. They form two bulky volumes, now on the shelves of the Louisiana Historical Society. Gayarré made use of them in his second history of Louisiana, published in 1846-1847, written in French to preserve the text of the original documents. It still stands unique and supreme in Louisiana bibliography. Its only rival, in truth, is Gayarré's later and last history.

Through smaller offices, Gayarré rose to be secretary of state and was then placed in a position to push on the great cause of his heart. By his personal credit and reputation, he obtained an annual appropriation from the state legislature to purchase books for the State Library. By his scholarly use of this money, aided by the advice and assistance of one of the noted librarians of France, he gathered an inestimable collection of the best historical works of the last century, changing the original bare collection of promiscuous volumes, into a library worthy of the name, whose historical section commands the respect and admiration of scholars today. Each rare volume bears the date of Gayarré's incumbency. The library is to be found today in an infirm condition, in the law library of the Supreme Court.

The Historical Society was organized in 1836, but fell after its first flush of vitality into a state of apathy. Gayarré, as secretary of state, with a group of friends revived and reorganized it. Martin was elected president; Gayarré, vice-president; John Perkins, a wealthy patron of letters, and J. D. B. DeBow, were made secretaries. If to these names be added those of B. F. French and Edmond Forstall, the list of the eminent servitors of the history of Louisiana will be complete. It is a list, the like of which will hardly be seen again in the annals of the Society. French was the publisher of the now rare *Historical Collections*. DeBow was the editor of *DeBow's Review;* and Forstall, of an old Creole family, was the author of an *Analytical Index* of the public documents relating to Louisiana in the "Departement de la Marine" et "Bibliotheque du Roi á Paris." He it was who, commissioned by the Society to make further researches in France, had the wonderful good fortune to effect with Pierre Margry, the great archivist of

France, an engagement to furnish transcripts, chronologically arranged, of all the papers in the "Marine" relating to the history of Louisiana, from the time of Iberville to the cession of the colony by Napoleon. This colossal undertaking superbly carried out by Margry, is beyond doubt, the great achievement of the century to the historian of Louisiana. At the solicitation of prominent American men of letters, Margry was remunerated and the work published at the expense of the United States.

Gayarré was making an effort to gain further access to the Spanish archives of Louisiana, when a constitutional convention put an end to his valuable services, by causing his retirement from office. Nevertheless, at his own expense, he secured the documents necessary for the writing of his *Spanish Domination.*

After its brilliant inauguration, the Historical Society dropped again into lethargy, gradually ceasing work for several years. By the strenuous efforts, however, of Gayarré and others, it was revived in 1860 and incorporated by the legislature. Its domicile was fixed in Baton Rogue, the capital of the State, and a room was assigned to it in the great new State House, to which its collection of books and maps was removed; and the expectation was that a new and brilliant era of work was opening to it.

The Civil War came on, Baton Rouge was taken by the Federal troops, and, in the conflagration that ensued, the State House was burned. While it was in flames, a frantic attempt was made to save the historical papers, which were thrown pell mell out of the windows to the ground below, and there left to the mercy of the rain, then falling. In the looting that followed, they disappeared, and were lost, as it seemed, irretrievably. Gayarré, however, alert and determined, raising his voice in protest, and rousing dormant consciences, instituted a search for the stolen papers. Years after, he was rewarded by gaining the kind assistance of Mr. Lyman Draper, who directed him to the widow of a Federal officer, in whose possession a portion of the Baton Rouge papers was found. They were returned to the State House in Baton Rouge. They were in the original wooden boxes sealed by Laussat and painted black, whose ugly appearance should have been their protection even against rapacious soldiers. Years passed and the boxes were as completely lost to the Historical Society as they had ever been. At last when Tulane University was founded in New Orleans (it

occupied at that time the old Mechanic's Institute, the carpet bag capitol of evil fame), the boxes were sent from Baton Rouge to it, as a convenient place of deposit. They were stored in an attic, and once more forgotten by all, until Col. William Preston Johnstone, the president of Tulane, in his heroic conception of duty as president of a Southern University, bethought him of the fact that a fine Historical Society once existed in Louisiana. He examined and discovered that it was not defunct, except in appearance. He revived it and set it upon its feet. Scattered members were recalled, slackers were roused to duty, a tentative meeting was called, when an election of officers was carried through. Tulane University supplied most of the officers. Alcee Fortier, professor of French and a local historian of note, was elected president. Professor John Rose Ficklen, a brilliant young writer of promise, was made vice-president. Under their able management other offices were filled, a respectable membership was attained, and subscriptions collected.

The domicile of the Society was Tulane University, whose large auditorium became the place for public meetings. Tulane Library was opened to the members; and old accumulations of papers and maps, Magne's two volumes of transcripts, and Margry's *Decouvertes* were given over to their rightful owners. The "black boxes," as they are familiarly called, were brought to light. An attempt made to explore their contents revealed a mass of confused, crumpled, charred, water-stained fragments, which repulsed rather than invited examination. However, an expert and noted archivist, then temporarily in the city, was engaged to undertake the work of translating, transcribing and putting them in a state for a card catalogue. Installments were published in the Society's publications. And then, their true character and value became known. They were found to be judicial records of the French "Conseil Supérieur" from its earliest date 1717, to the beginning of the Spanish domination. In the Spanish local archives, were found only the records of the Governor's Court, the Court of the Intendant, and the Court of the Cabildo, when it sat for judicial purposes, also the judgments of the Appelate Court in Havana, upon cases appealed from Louisiana.

When Tulane University acquired its handsome domain in the upper part of the city and vacated its shabby quarters, the Historical Society was again homeless. But in 1909, the Supreme

Court, having removed from its quarters in the old Spanish Cabildo to its fine building on Chartres Street, the vacated Cabildo was turned over to the city, which dedicated it to the use of the Historical Society and a State Museum; and, at last, a final flitting of the Society took place, with all its paraphernalia of portraits, papers, documents, maps, and historical flotsam and jetsam of all kinds.

Among the workers of the Society stood a distinguished lawyer, a leader of the bar of Louisiana, Henry Plauché Dart,[1] who had found time in his career to write notable papers on the legal history of Louisiana, and who, therefore, had done much delving in historical ground. He found in the published transcript of the papers in the "black boxes" indications of a mine of precious historical ore of undreamed of richness and quantity; in truth, the full and complete record of all the judicial processes of colonial times, from the formation of the "Conseil Supérieur," in 1717, until the time of the Spanish cession, when their judicial records continued its history. Wills, adjudications of property, inventories of successions, marriage contracts, business complications, invoices of ships entering the port, murder trials, sales of slaves—in short, all the shifting changes of a great colony under a full and complete legal system. No archæological excavations ever unearthed a more precious mass than these hidden and buried traces of an old civilization.

Mr. Dart's exultation over the treasure revealed was loud and continuous, by speech and pen, as were his lamentations over their neglect and the dire risk they had run of being lost, not only to Louisiana, but to the legal world of the United States. His lectures, papers and personal outcry came to the ears of Mr. Ratcliffe Irby, a man of great wealth but, as it turned out, of greater intellectual force and love of learning and art. He wrote to the Historical Society offering to meet the expense of preserving the French and Spanish documents from further deterioration and loss, on condition that the work be done under the supervision of Mr. Dart, who agreed to give his services, without compensation. The sum of fifteen thousand dollars was promised in yearly installments. The Society at once named Mr. Dart its official archivist,

[1] Author of *The History of the Civil Code of Louisiana*, and the *History of the Supreme Court of Louisiana.*

creating the office for him and conferring upon him the powers necessary for carrying out his functions. He removed the boxes to a vacant room in the Cabildo, where he installed his working force. It was a small but efficient one, consisting of a representative of a historical family whose heart was in the work, a thorough linguist, and an expert at deciphering the old French and Spanish documents. With her was associated a young woman of rare qualities, a Spanish scholar, graduate of Barcelona, well equipped with the knowledge and patience needed for her task. Between the two, the apparently endless work of translating and transcribing the old legal papers was undertaken, and at the present writing is in sight of the end. Mr. Dart himself is editing and preparing them for publication in the *Louisiana Quarterly*, of which he has become editor-in-chief.

It should have been said before, that the State had been successfully appealed to, and the legislature, with a gesture of the old generosity of Gayarré's day, had placed the historical publication on the budget of its public printing.

As for the other archives to be accounted for in this article, Mrs. Surrey's recent index, published by the Carnegie Institute, stops at 1731. It is still unfinished, but a study of it shows that an enormous amount of Louisiana material is still to be found in France; and, while great blocks of the same have been photostated or copied for the Library of Congress and for Mississippi and some of the northwestern states, there is still much of great value at the original source of deposit in France.

The parishes of Louisiana have made absolutely no provision for their archives, judicial or otherwise, except to keep them in court houses, which have been burned down so often that there are few records that can be traced further back than fifty years. In one old parish, there is not a record over twenty years old—some one, presumably, having stolen the files bodily, then burned down the court house.

The city of New Orleans has kept its old documents on the third floor of the city hall. Among these papers are found the ancient "Minutes" of the governing bodies, such as Boards of Aldermen; and a valuable collection of old newspapers, notarial records, journals, architects' plans, and public contracts but there is no index to them.

From the archivist's point of view, there is another collection of vaster importance: that contained in the Cathedral, the great mother church of Louisiana, whose registrars have kept the record of the births, deaths, marriages and funerals, since the founding of the city—the family histories of the whole period. These registers are in a fairly good condition, but they are not open to the public. The publication of the French and Spanish folios would be a most valuable gift to the history of the State. The good material for history they contain is simply buried in them.

The State Museum, younger by fifty years than the Historical Society and created by the legislature as an adjunct to it, has outstripped it in activity. Under a board of administrators, appointed by the governor, it has succeeded in gaining the hearty favor of the public. It occupies the first floor of the Cabildo, where its marvellous collection of historical curiosities and antiques of all kinds, overcrowds the space allowed them. Its large agricultural exhibit has been transferred to the Presbytére, a twin building, on the other side of the Cathedral.

Mr. Ratcliffe Irby, recently deceased, has bequeathed to the Museum the great and noble legacy of the entire row of the famous Pontalba Buildings, on the lower side of Jackson Square, in the immediate neighborhood of the Cabildo. This will insure to the Museum a home, and an accruing income that will place its future prosperity beyond peradventure. Mr. Dart, the archivist of the Historical Society, has risen from the position of a member of the board to that of president. No greater addition to the value of the unexpected legacy could be imagined than its administration by such an officer. As president he has the opportunity and power to lift up two great institutions to their rightful eminence, not only in the State, but in the country at large. In the elegant old spacious rooms of the Pontalba mansion, where of old were held grandiose entertainments, thronged by the élite of the city, accomodations can be found for the urgently needed relief to the overcrowded shelves and wall space of the Historical Society. The long scattered archives can be collected into one hall, dedicated to their exclusive use, where desk room and comfortable light and seating will be found by visiting students whose needs can be attended to by trained officials as in libraries and museums in Europe. A new portrait gallery and a lecture room can be opened.

And last, but not least, an exhibit room can be set aside for family relics and antiques, old furniture, laces, jewelry, and costumes—such a collection of the past as only New Orleans can furnish. A genealogical library is a keenly felt want. Louisiana needs all this. Mr. Dart says in a letter on the subject: "It is my purpose to make it [the Historical Museum] the centre of the whole archive industry of the South and by hook or crook, to get into it, every book, paper or file, that applies to our history; and when we get them there, I hope they will stay forever!"

THE ANTE-BELLUM TOWN IN NORTH CAROLINA

By Guion Griffis Johnson

Ante-bellum North Carolina was a *civitas sine urbibus;* it had no business centers which could compare with Petersburg, Norfolk, or Charleston. Of the twenty-five towns listed by the census of 1860, only two contained a population of more than five thousand, while thirteen had a population of less than a thousand. The following table indicates the size of the towns in the state as given by the census reports of 1850 and 1860.

Size of North Carolina Towns[1]

Population	Number of towns	
	1850	1860
Less than 500	5	4
500 — 1,000	11	9
1,000 — 2,000	4	6
2,000 — 3,000	2	2
3,000 — 4,000	0	0
4,000 — 5,000	3	2
5,000 — 10,000	1	2
Total	26	25

Economic factors which tend to build large towns were lacking in North Carolina. Wilmington derived its importance from its location at the mouth of the Cape Fear River, but the sand-choked coast prevented its being an excellent natural harbor. Added to this fact were geographic influences which denied the port an extensive back country to feed its commerce. New Bern was located near the mouth of the Neuse River and thus was the market town for the region watered by the river and its tributaries. Fayetteville, which was the third largest town in the state in 1860, was located at the head of navigation of the Cape Fear and derived its importance from the fact that it was the only convenient market in

[1] *U. S. Census,* 1850, p. 308; *Census of Population,* 1860, p. 359.

the state for the produce of the back country. Raleigh, which had been legislated into existence in 1792, had become the fourth largest town in the state by 1860, not from its advantageous geographic situation, but from the fact that it was the state capital.

LOCATION OF TOWNS

The first towns in North Carolina were located with regard to the natural transportation facilities. Since the coastal plain was the region first settled, the towns were situated at the mouths of the navigable rivers.[2] Among the early instructions of the Lords Proprietors was one requiring the establishment of three towns in the colony. It was hoped that they would not only become large commercial centers, but that they would also furnish the colonists with seaport facilities and with easy communication with England and the West Indies. It was not until 1705 that Bath, the first town in the province, was laid off by a group of French settlers from Virginia on sixty acres of land lying on Old Town Creek, a short tributary on the north side of Pamlico River. As the interior became settled a few towns were established there, and they were invariably located on a stream navigable at least for small boats.

By 1800 most of the inland towns of the state were significant only as being the seats of justice of their respective counties. It was convenient for a man to buy and sell at the place where he also attended to his public business. The location of the courthouse became, therefore, a matter of rivalry among various communities in the county with the result that it was sometimes located at a sterile and unfrequented spot.

Davidson County was so determined to have its courthouse located in the exact center of the county that the state legislature commissioned President Caldwell and Prof. Elisha Mitchell, of the University of North Carolina, to determine that point with mathematical nicety.[3] President Caldwell in making his report to the legislature in 1823 lamented the fact that the people of the state were jealous of their county seat towns. "The centre of the County it seems," he said, "must first be precisely ascertained, and upon that spot precisely the Courthouse must be built; as though one

[2] Nash, Francis, "The Borough Towns of North Carolina," *North Carolina Booklet,* Vol. vi, No. 2, pp. 83-96.

[3] See also the controversy over the county seat of Washington County, MS. in Legislative Papers in House of Commons, November 30, 1813; of Nash County, *ibid.,* in House of Commons, November 23, 1815; of Surry County, *ibid.,* in Senate December 18, 1821.

or two or even five miles were really of so much consequence as necessarily to decide a question of this kind, against all other advantages and considerations."[4] He would urge that a county seat be located upon "a spot recommended at once by the quality of the soil, the pleasantness of the site, the prospect of health, and the opportunities of business" so that the country folk on visiting the town might return home "with improved feelings, minds enlarged, information increased, their various business in courts and stores finished to their minds, and their publick spirit gratified and excited by the scene of general activity and prosperity." Instead, the county seats of North Carolina were places of "idleness and rudeness, intemperance, ferocity, gaming, licentiousness, and malicious litigation."

In 1852 a petition to the legislature from the citizens of Statesville declared, "The Court House and the necessary offices form the nucleus around which every inland town of our state is built. Around this nucleus, arise Hotels, Retail States, Mechanic's Shops of various kinds, Physician's and Lawyer's Offices, and Mansion Houses and Churches."[5] It was for this reason that the location of the courthouse was of such vital importance in North Carolina.

The building of railroads after 1835 and the beginning of the cotton mill industry in the last decades of the ante-bellum period tended to increase the size of favored towns, but as a rule the towns in the state grew slowly.

DESCRIPTION OF THE ANTE-BELLUM TOWN

The courthouse was usually the center of each town with the stock and whipping post occupying a prominent place in the courthouse yard.[6] The town as a rule had but one street worthy of the name. At one end, just opposite the courthouse, were the stores and shops, while spread out along the length of the street were the homes of the most prosperous citizens set a few yards back in groves of trees. Every self-respecting town of at least five hundred inhabitants contained a tavern, five or six retail stores, a blacksmith's shop, and perhaps a shoe shop, a church or two, and a male or female academy which was "situated eligibly, and neatly

[4] MS. in Legislative Papers, dated Chapel Hill, November 30, 1823.
[5] MS. in Legislative Papers, in Senate November 12, 1852.
[6] After 1830 the oldest and most prosperous towns of Eastern and Piedmont North Carolina frequently relegated these instruments of punishments to the backyard of the county jail.

appointed, upon lots purchased by the citizens."[7] The larger towns usually had a public market where country produce was brought for sale. When this was not the case, the courthouse yard or the street in front of the courthouse served the purpose. A few towns, such as Raleigh, Fayetteville, and Wilmington, boasted a city hall, the first floor of which usually housed the town market. A center of activity in every village was the grog shop, or "tippling house," as the shop was designated where liquor was retailed. Each town also had its public water pump located conspicuously at a central point to serve both as a water supply for those who did not have private wells and as a precaution against fire.

The streets of the villages were not lighted at night, for the inhabitants were often asleep by nine o'clock. It was not until 1830 that the town commissioners of Raleigh considered it necessary to provide a few lamps for lighting Fayetteville Street. The inhabitants of every town in the state considered it an inalienable right to allow their stock to roam at liberty through the streets; and, despite frequent attempts upon the part of the more ambitious town councils to prohibit the custom, this right was exercised even to 1860. A visitor to Raleigh in 1852 regretted the singular economy of the state which permitted the capitol square to be used as a hog pasture.[8]

The builders of these little North Carolina towns left many of the forest trees standing so that the squalor of the streets and the ugliness of the unpainted wooden buildings were often mitigated by graceful branches of elm and oak. Hillsboro was described in 1833 by Henry Barnard, a visitor from Connecticut, as the finest village he had seen in the South. "Several beautiful residences," he said, "with large gardens, full of flowers and fruit trees, crown the eminences around it. If the houses had a new covering of paint—and the yards were a little more neat, and there were fewer blacks, you might suppose from external appearances, that you were in a New England village."[9]

TOWN GOVERNMENT

If a town was incorporated, it was vested with self-government; otherwise it was dependent upon the state legislature for regula-

[7] MS. in Legislative Papers, in Senate November 12, 1852.
[8] Olmstead, Frederick Law, *A Journey to the Seaboard Slave States* (New York, 1856), p. 319.
[9] Barnard, Henry, "South Atlantic States in 1833," *Maryland Historical Magazine*, Vol. xiii, No. 3, p. 329.

tion of its affairs. Until 1855 the type of government granted the incorporated town varied in detail according to local demands. In this year, a general law regulating the government of incorporated towns was codified in the Revised Statutes.[10] Power to make by-laws and regulations was vested in a mayor and commission made up of not more than seven nor less than three citizens of the town. These officers were to be elected annually by ballot by all free white males who had paid the annual tax imposed by the town commission. To be eligible to the office of commissioner one must have possessed for at least one year a freehold or leasehold in real estate situated within the town. The mayor was given the powers of a justice of the peace to issue process, to enforce penalties, to execute the laws made by the commissioners, and to hear and determine all cases that might arise under the town ordinances. An appeal from his judgment to the Superior Court was allowed as in the case of a judgment rendered by a justice of the peace.

Most of the important towns of the state had been incorporated previous to the passage of this act. Their charters show the tendency to place the control of city government in the hands of the landed class, for in many instances a property qualification was required both for holding office and for voting. The government of Raleigh is interesting as an example of this tendency. The act of 1795 placed the town government in a commission of seven persons, each of whom was a large property holder within the corporate limits.[11] The commissioners who were appointed by the General Assembly were not required to be residents of Raleigh, and it is known that four of them were not. The commission was given the power to elect a treasurer, clerk, and an intendant of police. The clerk was to hold office during good behavior and the other two officers for a period of one year. This form of government continued until 1803 when a charter was granted, vesting the town with the privilege of electing its own officers. Under the new law seven commissioners and an intendant of police were to be elected annually by all resident freemen who owned a lot within the corporate limits.

Dissatisfaction soon arose, however, and the charge was made

[10] *Revised Code*, 1855, ch. cxi.

[11] The term of office was three years. In 1797 the act of 1795 was renewed for another three years, and in 1801 a similar renewal was made and three others were appointed as "additional and permanent commissioners."

that those living on Halifax and Fayetteville streets monopolized all the offices and the money arising from the city taxes. The charter was accordingly altered, by legislative act, to divide the town into three wards, giving the eastern ward the right to elect three commissioners; the western, one commissioner; and the middle ward, five commissioners. The taxes of each ward were to be spent therein by the respective commissioners. This law was a frank concession to property and the gentry class, for a census taken in 1810 indicated that the eastern ward outnumbered the middle ward by fifty-seven white polls; while the middle ward possessed the preponderance of slaves.[12] The plan of having three distinct boards of commissioners to govern the town proved unwieldy, and a law was passed in 1813 establishing one governing body of seven commissioners elected by the three wards, with the middle ward again having the preponderance of numbers.[13] Friction, however, continued throughout the ante-bellum period. It found expression in a quarrel over the erection of a new city hall in 1840 and in a demand in 1856 for a new board of government.[14] In this year a correspondent of the *Standard* voiced the demand for change in an open letter to the citizens of Raleigh. After reciting the conditions which prevailed as a result of the form of government, he asked:[15]

> And what is the remedy for this state of things? Is it not in a new Board?—in a Mayor and Commissioners pledged to reform, and who will devote themselves energetically, sternly, and faithfully, to the duty of reducing the taxes—of improving the streets—of enclosing the City cemetery—of paying off the City debt—of expending all funds judiciously, as they would expend their own private funds; and of establishing and maintaining stricter police regulations?

Despite this protest no material change was made and the grievance continued.

In Wilmington there was a similar preponderance of the aristocracy in municipal affairs. Before 1842 the government was vested in five commissioners elected biennially. In 1842, however, a group representing the popular element, without the knowledge of some of the large property holders, obtained the passage of a bill

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[12] *Star*, October 4, 1810.

[13] See *Raleigh Register*, January 7, 1814.

[14] In this year the term *mayor* was substituted for that of *intendant of police*, a term which had been borrowed from France.

[15] *Standard*, January 16, 1856.

providing for the annual election of commissioners. Upon learning of this act, the opposing faction called a meeting which passed a resolution protesting against "all interference on the part of the Legislature of the State with the internal regulation and public governments,"[16] of the town without the advice and consent of the citizens. John McRae, who was appointed chairman of a committee to petition the legislature, gave as a chief reason against the new law the provision for frequent elections which it contained. "By the frequent recurrence of said elections a partisan spirit is ever excited," he said, "social feuds are engendered, and the harmony of the community seriously if not lastingly disturbed."[17] The act, however, was not repealed. The mayor, or "magistrate," was appointed by the justices of the peace of New Hanover County Court[18] until 1850 when the office was made elective by the residents of the town.[19]

The government of Salem was unique in that it was under the control of the Moravian Congregation until the act of incorporation which was passed by the General Assembly of 1856-1857. The Salem Congregation Diacony had been established in 1771.[20] It leased from the Unitas Fratrum a tract of 3,158 acres for the purpose of maintaining the township, and assumed all responsibility in the erection of buildings. In 1826, some 2,485 acres of this tract were sold to the Diacony. Under this system no individual could own a house in Salem and only a member of the Moravian Church could lease one. Thus all the municipal affairs of the town were controlled by the Congregation Council of the local church. But with the erection of Forsyth County in 1849 and the building of a courthouse near Salem, the church monopoly could no longer be maintained. Accordingly, the Council voted November 17, 1856, to abolish the policy of restricting leaseholders to members of the Moravian Church, and a few days later a town meeting was held and a petition drawn asking for a charter from the General Assem-

[16] MS. in Legislative Papers, in Senate, January 12, 1843.
[17] MS. in Legislative Papers, in Senate, January 12, 1843.
[18] Sessional Laws of North Carolina, 1818, ch. xlii.
[19] *Ibid.*, 1850, ch. ccxii.
[20] Fries, Adelaide L., Forsyth County (Winston, 1898), p. 58.

bly.[21] As long as Salem was under the jurisdiction of the Congregation Council, it was generally conceded to be one of the best regulated towns in ante-bellum North Carolina. Although in 1856 it had a population of only 1,200, the town had long enjoyed the luxury of lighted streets, waterworks, and a night watchman.

FUNCTIONS OF THE TOWN COMMISSION

The functions of a town commission varied with the character and interests of the commissioners as well as with the type of community, but there was a general complaint that the duties of the governing body were indifferently performed.[22] On the other hand, the commissioners were handicapped by the jealousy and apathy of the townspeople. They frequently dared not introduce an innovation without first consulting the wishes of the citizens in a town meeting. In 1806 the commissioners of Raleigh deemed it necessary to divide the citizens into a night patrol, but a town meeting promptly passed a resolution declaring the measure inexpedient and advised the commissioners "to appoint two proper persons as a Patrol, to designate their duties, and allow them such a salary, to be paid out of the city taxes, as will make it to their interest to perform them."[23]

The general act of 1855 gave the town commissioners power to levy taxes on real estate, retail liquor dealers, shows or exhibitions charging an entrance fee, on dogs, and on hogs, horses, and cattle running at large. They were also given power to determine the salaries paid town officers, to appoint a town constable, to establish and regulate public markets, to prevent nuisances and safeguard health, to keep streets and bridges in repair, and to regulate the quality and weight of bakers' bread.

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[21] MS. in Legislative Papers, 1856-1857. The resolutions of incorporation were introduced at the town meeting by Francis Fries. They were in part as follows:

"Whereas, the authorities that have hitherto had the supervision of the spiritual welfare of the Moravian Congregation in Salem, & at the same time also, of all the municipal affairs of the Town, have for some time become satisfied, that a separation of these mixed duties would be advantageous to the spiritual as well as temporal prosperity of this community, & have therefore recently abolished the old system of government; and

"Whereas, under the new order of things, any one, without regard to religious qualifications, may become a citizen of the place, buy lots in fee simple, and not be subject to the ecclesiastical jurisdiction hitherto exercised; and

"Whereas, under the peculiar lease by which all the citizens of Salem heretofore held their lots, the authorities had power to make and enforce rules for preventing nuisances, & for preserving the health of the citizens; to keep in repair the streets & bridges in town, & make improvements where necessary, to care for lighting our streets in the night, to procure a sufficient nightwatch, & generally to make such rules & regulations for the better government of the town as were deemed necessary,—but by abolishing the old system, the former authorities no longer claim the right to exercise these powers;—Therefore resolved,

"That in the opinion of this Meeting, it is highly important, that . . . powers such as those above enumerated should vest in some body."

[22] See MS. in Legislative Papers, 1858-9.

[23] *Raleigh Register,* August 25, September 1, 1806.

Nearly every town commission had four standing committees, and it was generally conceded that the duties to which each was assigned constituted the whole sphere of activity of the commission. Committees were appointed to attend "the due repairing of the street," "the keeping in order the public Pumps," "the repairs of the Grave Yard," and "for classing the Citizens as Watchmen."[24] A commission might also, on occasion, appoint a committee to examine into the practicability of conveying water to the town in pipes; it might encourage the planting of trees, purchase a new fire engine, or pass an ordinance for the better observance of the Sabbath. It might even become daring enough to forbid owners to allow their hogs to run at large. In cases of an epidemic of cholera or smallpox, the commission was always prompt to order the citizens to use lime about their premises and to have their privies cleansed. In instances of a crisis a commission might assume new and dictatorial powers, as in the case of the Fayetteville commission after the fire of 1845, but under ordinary conditions the commission seldom restricted the private actions of the individual citizens.

At the opening of the ante-bellum period protection against fire was not considered a regular duty of the town commission; yet the danger of fire was ever present in the ante-bellum town, for most of the buildings were wooden structures and the water supply inadequate to meet the emergency of a conflagration. Every town in the state at one time or another suffered loss by fire, and some of the larger towns, such as Wilmington, Fayetteville, Raleigh, and New Bern were several times almost destroyed. When a fire occurred the intendant of police directed the efforts of the volunteer fire fighters and if necessary gave the order for the destruction of a house to prevent the spread of fire. As early as 1802 a correspondent of the *Raleigh Register,* writing under the name of "Quandary," suggested that it was the duty of the commissioners to devise some means of fire protection. Speaking in the name of the public he asked them, "Whether 'tis better for every Inhabitant of the City to protect his own Property from fire and robbery or for a number to join, and by turns, protect the whole?"[25] The town commissioners of Wilmington did appropriate money from the public funds to buy a fire engine, but in the early part of the nineteenth

[24] *Raleigh Register,* January 30, 1829.
[25] *Raleigh Register,* May 4, 1802.

century this protection in most of the towns was undertaken by private enterprise. A large property owner of Edenton bought a fire engine of his own which, on one occasion at least, saved the town from destruction.[26]

In 1802 a group of citizens in Fayetteville organized themselves into a fire company and bought an engine by private subscription. Shortly after the organization, a fire occurred which threatened the entire town, and the company rendered such efficient service that it attracted attention throughout the state. Newspapers at once decided that a fire company was the best security that could be devised against "the devouring element," and urged every town in the state to organize one. The Fayetteville company assessed each member twenty-five cents every three months until a sufficient amount had been accumulated to purchase the engine.[27] At regular intervals the company had fire drills under the direction of captains. Each member was required to provide himself with "two leathern buckets, two Osnaburg bags, and a suitable hat" which were to be kept hanging within easy reach in his house or store.

In 1806 the General Assembly passed the first law authorizing the formation of "fire engine companies." This law gave Wilmington and New Bern authority to encourage disciplined fire fighting by exempting members of the fire company from militia duty.[28] Other towns proceeded slowly to organize fire companies. Usually the inhabitants did not feel the necessity of prevention until a fire actually occurred. In 1808 after two attempts had been made to set fire to Plymouth, the inhabitants, aroused by a sense of their danger, formed a patrol which walked the streets and cried out every hour of the night.[29] In other towns the commissioners were sometimes contented with passing an ordinance that the citizens provide themselves with ladders and buckets.[30] But in time a public fire company came to be considered essential to the prosperity[31] of the community. By 1850 several towns had two or more companies and some were boasting of a "city fire department."

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[26] *Edenton Gazette*, February 3, 1808.
[27] *Raleigh Register*, April 13, 1802.
[28] For a discussion of fire companies see the *Carolina Observer* (Fayetteville), December 15, 1825, January 14, 1830.
[29] *Edenton Gazette*, October 5, 1808.
[30] *Hillsborough Recorder*, September 13, 1820.
[31] The fire engines were purchased from the funds raised by the city tax. In 1858 Tarboro exempted the members of the fire company from the payment of city taxes to the amount of twelve dollars a year.

THE TOWN MARKET AND HALL

The town commission was given power to establish and regulate the public market and to prescribe whether produce should be sold by weight or measure. Scales were erected at public expense and a weigher appointed who was directed to charge fees for his services at a rate determined by the commission. The first market house of Raleigh was built in 1799 at a cost of £298 so that farmers might know where "to find a ready market for their produce" and the townspeople where "to purchase such necessaries as are now precariously supplied."[32] The building, as described by Joseph Gales previous to its erection, was "to be of an Octagon form, 30 feet in diameter, with a Cupola on top for a bell; to be set upon eight posts; to have four gates; to be banistered around three feet high; the floor to be laid with brick; and the whole to be neatly painted."[33]

Here town and country met to haggle over trade and exchange news of their respective communities. At sunrise the market square was a bustle of activity. The first amusement presented to the onlooker might be a dog fight in which from two or a dozen dogs participated, for the market place was always alive with dogs,—wooly water-dogs, great Newfoundlands, shaggy setters, sleek pointers, and stub-nose terriers,—snarling over sheep's feet, growling over cast off bits of beef, running, fighting, and yelping. At this early hour the negroes in the market place were only a little less numerous than the dogs, for the slaves often did the household marketing. It was not unusual to hear a slave cry out to the owner of a market cart as he entered the square, "Hey, you! I want some of 'em." A correspondent of the *Standard* who stated that he was neither too proud nor too lazy to do his own marketing complained that slaves rushed ahead of white men and overbid them to get the produce they wanted.[34] "Only one ever attempted this with me," wrote the correspondent with warmth, "and he got out of the way of a walking stick in double quick time."

The market house sometimes contained also the town hall. In 1839 when the commissioners of Raleigh decided to build a new market house, they resolved to make it large enough to contain a

[32] *Raleigh Register*, October 2, 1799.
[33] *Ibid.*
[34] *Standard*, December 7, 1859. On this subject the writer said further: "A white man stands but little chance to buy an article until the negroes are served. Darkey has 'Master's money,' and darkey has been directed to purchase certain things. Darkey cares not what price he pays, and often pays exorbitant prices."

town hall as well, stating that "the citizens should have a place of their own to hold public meetings."[35] In 1841 after the use of the hall had been denied the Mechanics' Association, the Board of Commissioners resolved "that the City Hall be hereafter used for the following purposes, to wit: Public Meetings of the Citizens; meetings of the Commissioners of the City; Fire Company; Uniform Military Company; City Watch; and private Associations or Societies of the City."[36] In a statement to the public, the board expressed the hope that this arrangement would be "highly satisfactory to all parties."[37]

In other towns the courthouse was the town hall for the community. Here the commissioners frequently had their monthly meetings; here public lectures were held and agricultural societies arranged their displays. The courthouse was, in fact, the general rallying place for the townspeople. When a public gathering was held in the courthouse at night, the occasion was likely to be boisterous and sometimes to end in the destruction of the furniture.

For many years the courthouse at Elizabeth City served as the village church, town hall, lecture room, and theater, without any protest from the county court. But after one particularly destructive gathering, the court resolved at the March term, 1851, to instruct the sheriff not to suffer the building to be opened "for the Exhibition of any show, lecturing, slight of hand, or other purposes whatsoever, save political & religious meetings & county purposes."[38] A disagreement at once arose upon this measure, for the courthouse had already been promised to a certain Dr. B. B. Williams who planned to lecture during court week. The order was promptly rescinded and the use of the courthouse extended to the visiting doctor. The matter was again taken up at the September term of court and this time the motion to close the building prevailed. The clamor of the townspeople for a public hall, however, was too great to be withstood, and at the June session of 1852 the court passed an order "that it be made the duty of the Sheriff to keep the Court room Key & not permit the court room to be used for purposes of Exhibition of itinerant performers except

[35] *Raleigh Register*, January 3, 1840.
[36] *Standard*, August 4, 1841.
[37] *Ibid.* Previous to the erection of the town hall in Raleigh, the capitol served the town as a public social center.
[38] Pasquotank County Court Minutes, March term, 1851, in custody of the North Carolina Historical Commission. See also order of Carteret County Court of May, 1851, in Carteret County Court Minutes, 1849-1852, in custody of North Carolina Historical Commission.

upon the payment of Ten Dollars to the county, and that they be required to repair any damages."[39]

OBSERVANCE OF SPECIAL OCCASIONS

Certain public days brought the people of the town together and afforded opportunities for recreation and social contact. Court week, general muster, and election day were three occasions which drew the largest crowds, for the country folk thronged to town on these days in great numbers. In 1805 the County Court of Pasquotank sought to put a stop to the uproarious scenes of court week by passing an order "that no person or persons shall erect or form a stand or Booth within the confines or bounds of the public ground in Elizabeth City at the time of the setting of the Court or at any other public time as the clamour and noise of company interrupts the business of the Court."[40] Public entertainers, such as wire dancers, negro minstrels, and slight of hand performers were frequently present to lend gayety to the transaction of judicial business. John H. Bryan, while attending Superior Court in Oxford, wrote to his wife that a group of traveling players drew large crowds every night. "Their singing & dancing," he said, "is as much enjoyed by the country folk as the opera is by the more refined citizens of N. Y."[41]

The visit of a prominent man was always an important civic affair. Large numbers of people came in from the country to catch a glimpse of the great personage; while public addresses were made and formal receptions were given in honor of the guest. In 1825 the visit of LaFayette, who was accompanied by his son, Washington LaFayette, and his secretary, M. LeVasseur, set the whole state agog.[42] The visit of President Monroe in 1819, of Henry Clay in 1844, of Daniel Webster in 1847, and of President Buchanan in 1859 were also occasions of general celebration.

Any unusual event, such as the completion of a railroad line or the assembling of a state convention, was likely to be observed with official ceremony. The celebration in Raleigh in June, 1840, of the opening of the Wilmington and Raleigh Railroad together

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[39] Pasquotank County Court Minutes, June term, 1852.
[40] Pasquotank County Court Minutes, June term, 1805.
[41] MS. in John H. Bryan Papers, Vol iv., September 5, 1850, in custody of North Carolina Historical Commission.
[42] *Catawba Journal*, March 15, 1825. Dr. Kemp P. Battle gives a slightly different account in his *Early History of Raleigh* (Raleigh, 1893), pp. 87-88.

with the completion of the capitol was an elaborate festival.[43] The death of a prominent statesman or of a national hero was usually commemorated by a public ceremony arranged by the town commission. In 1850 Raleigh mourned the death of President Taylor with pomp and pageantry.[44] The funeral procession which was nearly a half mile in length formed in front of the governor's mansion at nine o'clock. The military company in full uniform with reversed arms and shrouded colors led the parade. Next came the funeral car drawn by six white horses with housings of black, each horse being led by a groom in uniform. Eight pallbearers accompanied the hearse. After this came other citizens on horseback and on foot. The solemn procession made its way to the Presbyterian Church where a eulogy was delivered by Henry W. Miller, prominent lawyer and Whig leader of Wake County, before one of the largest audiences that had ever gathered there. The governor's mansion, the post office, and most of the stores and priviate residents on Fayetteville Street were draped with black. This scene can be equalled only by the display which Wilmington made in April, 1850, on the reception of the body of John C. Calhoun as it was carried through that town on the way to Charleston.[45]

Since colonial times a funeral had been an occasion for a general assemblage of the people and the observance of a solemn ritual. Aside from those who came from respect for the dead, large numbers flocked to the funeral out of curiosity and a desire to participate in the refreshments provided for the mourners. Barbecued meat and brandy were favorite refreshments, although the food provided by affluent families was often varied and abundant enough to be termed a feast. In 1808, the *Edenton Gazette,* after recording the death of the infant daughter of a merchant of that town, observed that "the melancholy event furnished the rare and commendable instance of *A funeral without a feast*, . . ."[46] The editor continued with warmth:

We hope that this laudable and pious example will henceforth be universally imitated; that the house of mourning may not be tricked out with the symbols of mirth and rejoicing; that the sanctity of *real* grief may not be profaned by a monstrous and unnatural mixture of pride, sensuality and *affected* sorrow; that the tear of heartfelt anguish may

[43] *Raleigh Register,* June 16, 1840.
[44] *Raleigh Register,* July 24, 1850.
[45] Sprunt, James, *Chronicles of the Cape Fear River* (Raleigh, 1914), pp. 170-174.
[46] *Edenton Gazette,* September 8, 1808.

not be mingled with the artful whinings and grimaces of the hypocrite; and that the truly sorrowful may be allowed to mourn over the remains of their departed friends and relations in silence and godly sincerity.

Early in the century it was a custom in some parts of the state to provide the minister and pallbearers with white scarfs and hat bands of linen of convenient quantity to make a shirt after the ceremonies were over.[47] The scarf was usually of about three and a half yards of linen. It was draped from the right shoulder and caught in a knot with a white rose and ribbon just under the left arm so that the ends of the scarf might flutter gracefully in the breeze. The band for the hat was about a yard and a half of linen. It was tied about the crown so that it might have two long streamers. The Sunday following the funeral the pallbearers, wearing their decorations, usually assembled at a tavern and proceeded in a body to the church where they were met at the door by the minister who was also decked in his symbols of mourning. Although the elaborateness of a funeral ceremony usually indicated the social status of the family, there were some who either could not afford to make a parade of the burial or who were repelled by such a display.[48]

PUBLIC HANGINGS

A public hanging was attended with almost as much ceremony as a funeral and attracted even larger crowds, for many persons considered it a civic duty to be present. The gallows was a simple though effective arrangement. A beam was placed between two trees and after the adjustment of the rope the cart on which the prisoner was standing was driven from under the beam. The spectacle of the victim struggling to keep his feet on the moving cart filled the crowd with a kind of delightful horror so that a different mode of execution was finally devised. The trap which thus came into use was held up by a rope which was passed over a beam and cut at the desired moment. The prisoner, seated on his coffin, was driven to the place of execution in a cart. He often was shrouded in a flowing robe and accompanied to the gallows by ministers likewise shrouded and very grave. Instances are on record in which the prisoner was first conducted to church where

[47] Attmore, William, "Journal of a Tour to North Carolina, 1787," *James Sprunt Historical Publications*, Vol. xvii, No. 2, p. 18.

[48] *Ibid.*, p. 25; MS. in Gash Papers, J R. Siler to Martin A. Gash, February 16, 1831, in custody of North Carolina Historical Commission.

a sermon was preached before a large audience which later accompanied the culprit to the gallows. On the day of a public hanging the village was usually crowded with eager spectators. Men, women, and children came in their best attire and made a holiday of the occasion. Drinking, fighting, and gambling were common. On the day of the execution of Elijah W. Kimbrough and Negro Carey in Raleigh, in 1830, the town was filled with some 3,000 spectators. The *Register* described the events of the day as follows:[49]

> During the morning, every avenue leading to town, was literally blocked with human beings of both sexes, and of all colors, and ages. As the hour of noon approached the crowd became stationary near the Jail, where they encountered for about two hours the fervor of a meridian sun, waiting with intense anxiety to catch the first glimpse of the unfortunate pair. . . .
>
> Kimbrough was habited in a long white shroud which entirely concealed his person. His countenance was of an ashy hue and his step was far from firm. Carey had on a similar garment, except it was black. His countenance expressed less emotion and his movements were more free and elastic. They were received at the Jail door by the City Guards who had been ordered out on the melancholy occasion, who opening to right and left admitted them, and then closed again, forming an oblong square. In this order they proceded to the place of execution, followed by the immense multitude. . . .
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> On arriving at the gallows, Mr. Hunt at the request of the prisoners, ascended the platform and addressed the spectators in an animated, feeling and appropriate manner. His exhortation was listened to with marked earnestness, and we trust was received with benefit and advantage. A fervent prayer was also offered up to the throne of Grace, in which both prisoners seemed to unite with apparent sincerity. During these religious exercises, Kimbrough continued to weep bitterly; Carey appeared rather more composed.—But before Mr. Hunt left the platform, he stated that both criminals had desired him to reiterate to the world, their innocence of the crimes for which they suffered. . . .
>
> We feel it our duty to state the humilitating fact, that a large proportion of the crowd assembled on this occasion were females.

Throughout the ante-bellum period there were protests against "the debauching scenes" of a public execution. In 1850 the grand jury for September term of the County Court of Mecklenburg, together with more than a hundred citizens, petitioned the General Assembly to abolish public executions because of the many evils

[49] *Raleigh Register*, November 11, 1830.

which attended them,[50] but the custom was continued to the close of the period.

CELEBRATION OF NATIONAL HOLIDAYS

The celebration of the Fourth of July was another civic occasion when the townspeople laid aside work and joined in a public demonstration.[51] The day was usually announced at dawn by the firing of cannon; and, if the town were not fortunate enough to possess a connon, by the firing of thirteen rounds of small arms. At nine o'clock the independent volunteer corps assembled at the courthouse and marched to the largest church of the town where the inhabitants had already assembled to hear the reading of the Declaration of Independence and a patriotic address by a leading citizen. This over, the corps usually had dinner at the courthouse or at a tavern where as many toasts were drunk as there were states in the union. Frequently a group of twenty-five or more prominent men of the town would have a separate dinner where they would make toasts and sing patriotic songs. In the afternoon the ladies of the gentry class might give a tea in a grove in the vicinity of the town where vocal and instrumental music were the chief entertainment. Washington's birthday was sometimes observed in the same manner, but this custom was by no means as widespread as was the celebration of the Fourth of July.

Thanksgiving Day was not observed regularly until about 1850 and then without the ceremony which has later been associated with it.[52] The proclamations of the President of the United States calling for an annual day of thanksgiving were opposed by many in North Carolina on the ground that the practice was a mixture of religion and civil government.[53] In 1848, however, Governor W. A. Graham's recommendation for a day of annual thanksgiving seems to have met with general favor. A joint resolution in response to Governor Graham's request was ratified January 16, 1849.[54] It authorized the governor to set apart a day in every year for public

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[50] MS. in Legislative Papers, in Senate December 2, 1850. They recommended that the execution be held inside the jail before "a select number of persons."

[51] For a description of the observance of the Fourth of July in Edenton, in 1847, see MS. in Norcom Papers, Dr. James Norcom to Elizabeth Norcom, July 11, 1847, in custody of North Carolina Historical Commission.

[52] In 1815 the General Assembly requested the governor to set aside a day of public thanksgiving in "grateful acknoweldgment for the restoration of peace to our beloved country." See *Journal of General Assembly*, in Senate December 15, 1815.

[53] For further objections of a national Thanksgiving day see Hunt, Gailard, ed., "Aspects of Monopoly One Hundred Years Ago," *Harpers Monthly Magazine*, Vol. 128, p. 489.

[54] *Sessional Laws of North Carolina*, 1848-9, p. 239.

thanksgiving and to give notice of it by proclamation. No special customs were built up about the celebration of Thanksgiving until after the ante-bellum period, but newspaper editors urged the people to make the day "a season for kind, social sentiment—for the forgiveness of injuries—for acts of good neighborhood and especially for the charitable remembrance of the Poor."[55]

In some instances it is difficult to distinguish between the civic affairs of an ante-bellum town and its recreational activities, for the celebration of the Fourth of July or the solemn observance of a public hanging were as much diversions as they were civic duties. Nevertheless, the social life of a town from the point of view of ante-bellum days was to be found in the gay scenes of a subscription ball, in the dignified lectures of the lyceum club, or in the hilarities of the cock pit and the race track. Such activities as these are another phase of town life in ante-bellum North Carolina.

[55] *Raleigh Register,* December 5, 1848.

THOMAS HUGHES AND HIS AMERICAN RUGBY

By Marguerite Bartlett Hamer

The praises of the Cumberland Plateau of Tennessee have been sung by native son and by "foreigner." To Andrew Jackson it was "the garden spot of Tennessee." To Thomas Hughes of *Tom Brown's School Days* fame, the upper section of the plateau was a "lovely corner of God's earth," "an enchanted solitude," "a fascinating forest."*

To this "wooded paradise" came in the year 1880 a group of young Englishmen of æsthetic inclinations and agricultural intentions. Their advent to the woodlands of Tennessee had been furthered by a colonization project in the old home land. By virtue of a parliamentary enactment of the year 1862, a "Board of Aid to Land Ownership" had been incorporated to facilitate migration to unoccupied areas. The same idea of colonization was entertained by a group of capitalists on the American side of the Atlantic, whose interest was centered in Boston. In time the English and the Boston interests merged, retaining the English name, "Board of Aid to Land Ownership," and having the central office of the amalgamated organization in London. The Bostonian influence on the Board led to the selection of the United States as the field of colonization. Besides, the British territories were not always popular with prospective colonists. To many Englishmen Canada seemed "too cold, Australia too remote, and South Africa in a chronic state of warfare."[1]

As an English organization furthering American colonization, the Board of Aid was extraordinarily fortunate in its president—Thomas Hughes, who as a man of letters, statesman, and philanthropist, was a well known and popular figure on both sides of the Atlantic. His *Tom Brown's School Days* and *Tom Brown at Oxford* were familiar to young America in the "eighties." Too, his

* I am indebted to Mr. W. T. Walton of Rugby, Tennessee, for the privilege of using letters and other manuscripts of Thomas Hughes and the Board of Aid to Land Ownership, Limited, now in his possession. They will be referred to in this article as the Rugby MSS. In the Rugby Library are some manuscripts, pamphlets, and files of *The Rugbeian, The Rugby Gazette,* and the *Plateau Gazette,* which were made accessible to me through the courtesy of Miss Helen Turner, librarian.

[1] Thomas Hughes, *The Cause of Freedom, Which is its Champion in America, the North or the South? delivered at Exeter Hall, January 29, 1863* (London, 1863).

fame extended beyond the realm of novelist; he had published and lectured on social and religious subjects, was identified with Christian socialism, and was known in both continents as an advocate of "muscular Christianity." In Boston it was said of Hughes: "His is an American soul in an English body. We should not know how to define a more excellent personality." Hughes, then, was well fitted to head a colonization movement with the United States as the field of operations.[2]

The persons to benefit by migration to America were not the down-trodden, derelict part of the English population, but rather the upper middle class, or, as Americans might say, "the aristocracy." The younger sons of the gentry had not the opportunities at home that might obtain in a new country. In England, classes were fixed. An Englishman who had settled in the United States declared that "In the Victorian Era a young man of gentle birth. . . could not get on in England. Unless he belonged to the proletariat, he could not tuck up his sleeves and follow the plough. . . . If he were so depraved as to indulge in manual labour, he would lose caste among his own relations." Hughes wrote in the year 1880: "For every post by which a gentleman can live, there are one hundred candidates. . . . The pressure of this state of things has been driving our boys to America. . . . In England caste prejudice against manual labour is too strong. . . . Our Will Wimbles . . . must begin then across the seas." It was as the "champion of the rising generation" that Thomas Hughes advocated migration.

The great open spaces in their turn were eager to receive settlers. "There is indeed scarcely a state of the Union," wrote a resident of England, "which had not an agency in this country engaged in distributing the most glowing accounts of the unrivaled riches which are waiting to be picked up in their respective territories." *The American Settler,* published at the Strand, London, contained "a fair account of the different parts of Uncle Sam's Estate" which were likely to suit English settlers; and "each number contained a map, which gave a fair idea of how very big and comparatively empty that estate was."[3]

By furthering colonization in America not only would the English youth be served, but a still greater end furthered. Hughes

[2] *Knoxville Weekly Whig and Chronicle*, September 8, 1880.
[3] *The Advertiser*, Rugby, England, October 26, 1923; Thomas Hughes (ed.), *Gone to Texas* (New York, 1884); Thomas Hughes, *Rugby*, 3, 20, 25.

had always close at heart the idea of Anglo-Saxon solidarity. He was convinced that "the future of our own race and indeed of the world in which our race is so clearly destined to play the leading part can never be what it should be until the most cordial alliance, the most intimate relations have been established between its two great branches. We know of no way in which this can be brought about better than by such efforts as this [colonization to America] we are making in which Englishmen and Americans can stand shoulder to shoulder and work with one mind and one heart for the same great end."[4]

In quest of a colonization site, the Board of Aid made four excursions covering the Central and Southwestern states. After traveling for six months, they noticed in May, 1878, the highlands of East Tennessee. Here much encouragement was offered to Northern settlement and investment by a group that hated "the Southern Bourbons and all their works." "The lavish and thoughtful hospitality," the assurances of "sympathy and candid understanding and appreciation," the "more than friendly spirit" with which the prospective colonists were greeted went far to remove all fear of failure in the future mountain home.

Not merely the kindly disposition of the Tennesseans, but other considerations weighed mightily with the Board of Aid. The moderate climate of the Plateau was genial; its "soil was adapted to all products." Above all, and this fact especially regaled the English capitalists, the region was rich in minerals and timber. The section of the Plateau in which the Board of Aid was interested lies between the gorges of the Clear Fork River and the White Oak Creek, and embraces parts of the present counties of Morgan, Scott, Fentress and Overton.[5]

There remained to be considered only the question of transportation facilities. The lack of communication by rail presented the one marked obstacle to the success of a colonization venture; but even that drawback disappeared before it was necessary to abandon the site chosen with studied care, for the city of Cincinnati laid down a line directly south which would precisely open up the

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[4] Harvey J. Philpot, *Guide Book to the Canadian Domain with a preface by Thomas Hughes, Esq., M.P.* (London, 1871).

[5] *The Rugbeian*, Rugby Tennessee (monthly), January, 1881; *Knoxville Weekly Whig and Chronicle*, March 24, September 1, November 17, 1880; *Harper's Weekly*, October 16, 1880; *The Rugby Handbook of the English American Colony on the Cumberland Mountains in East Tennessee with nine engravings and a map of Rugby* (Cincinnati, 1880); *Rugby, Morgan County, Tennessee, Settlement founded October 5, 1880*, (1880).

very country to which the English wished to go. The Cincinnati Southern Railroad was completed before the colony was founded.[6]

The site having been selected, its proximity to a main railroad line assured, the friendly nature of the Tennesseans, the fine climate, reasonably good soil, natural resources, and mineral wealth of the community ascertained, it remained only to purchase the lands for resale to awaiting colonists. In Rugby, even today, a certain building on Central Avenue is conspicuously labeled, "Office of the Board of Aid to Land Ownership, Limited."[7] Within the building may be seen the Great Seal of the Board. It represents the Union Jack crossed with the Stars and Stripes. Between the flag staffs are the words, "incorporated, Jan'y 22, 1879." The Tennessee act of incorporation allowed the Board to deal in land. The object of the Board was "to aid colonists by an advantageous purchase of land in large areas and its sale in small parcels, at low prices on credit."[8] It proposed to purchase several hundred thousand acres in the Plateau counties. In a large number of the acres available in Scott and Morgan counties, a New York firm enjoyed an equitable interest. In March of the year 1879, a contract was drawn up between the agent of the Board of Aid, Cyrus Clarke, and the New York firm, A. Person, Harriman & Company, for the purchase of the firm's lands.[9] The contract specified that surveys were to be submitted to and titles examined by Judge Oliver P. Temple of Knoxville, counsel for the Board. The Board's agent, Cyrus Clarke, bought other lands lying in the angle of the Clear Fork and White Oak creeks for small sums from backwoodsmen whose signatures on documents appear as "his X mark," or "her X mark." The prices paid by Clarke varied from twenty cents to two dollars an acre. An option on all lands which their agent purchased was conveyed to the Board of Aid, which in 1879 could claim a controlling interest in over four hundred thousand acres. The Board offered its lands for resale to prospective colonists at prices varying from fifty cents to twenty-five dollars an acre.[10] The lands were to be paid for as follows: one-third in cash at the

[6] *Daily Memphis Avalanche*, September 11, 12, 1880.
[7] *The Statutes of the United Kingdom*, 1861-62, 25: 798.
[8] *The Boston Daily Advertiser, March* 10, 1880, quoted in the *Knoxville Whig and Chronicle*, March 24, 1880; *Rugby* (London, 1879); *The Rugbeian*, March 18, 1882; *The Rugby Gazette*, September 27, 1884.
[9] Contract in the former office of the Board of Aid at Rugby, Tennessee, Rugby MSS.
[10] *The Rugbeian*, July 9, 1881, January 28, March 25, October 7, 1882.

time the deed was given, a bond for one-third in a year, and the remaining third within two years with interest at six per cent.[11]

The president of the Board heard of the advancement of his great colonization project, and set out from London for the Cumberland Plateau. In August, 1880, Thomas Hughes reached the United States. His journey from New York to Cincinnati was little short of a triumphal procession. All along the route he received urgent invitations, sometimes to address learned societies, sometimes to be entertained as the guest of a city.[12] Most of the tempting offers were declined, and Hughes proceeded to the Cumberland Mountains by way of the new Cincinnati and Southern Railway. He was met at Sedgemoor (now Rugby Road Station) by a group of young Englishmen who had preceded him to the embryo colony. On horseback they rode through the wooded hills that even yet lie between the station and the town proper.

The site had up to now been called "Plateau City." This name Hughes scorned as "neither good English nor good Yankee." He preferred "some name round which [would] cluster tender memories in the old mother land." There is little doubt of the name closest to the heart and mind of the novelist. It was on the occasion of a tennis game in which, despite his nearly sixty years, Hughes had joyfully indulged, that there arose the question as to what to call the woodland spot. Hughes relates the story: "The name, 'Rugby' was adopted unanimously on our return in twilight from the tennis ground, and application made at once to the state authorities for registration of the name and establishment of a post office. It was sharp practice thus to steal a march on the three Etonians still far away in the forest. Had they been present, Thames might have triumphed over Avon."[13]

The birth of "the city of the future" was now to be heralded throughout the interested world. Rugby would have a formal "Opening Day." October 5, 1880, saw "the beginning of a new and important epoch in our [Tennessee] history." Imposing services marked the birth of the new colony. The Bishop of Ten-

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[11] O. P. Temple to Thomas Hughes, September 1, 1880; O. P. Temple to the Board of Aid, September 24, 1880; Cyrus Clarke to L. P. Bright, March 6, 1880; C. C. Schenk to the Board of Aid, 1884 (no other date), Rugby MSS.

[12] Letters to Thomas Hughes, from D. C. Gilman, president of Johns Hopkins University, October 12, 1880; Thomas Chase, Haverford College, August 23, 1880; Julia Ward Howe, August 23, 1880; Whitelaw Reid, August 23, 1880; George W. Childs, August 23, 1880; M. J. Parrott, August 23, 1880; Rugby MSS.

[13] Thomas Hughes to Franklin W. Smith, June 18, 1880, *ibid.*; *The Rugbeian*, January, 1881.

nessee blessed the undertaking. The president of the Board spoke from the depths of his soul. "We are," said he, "about to open a town here, . . . to create a new centre of human life. . . . We are here today as pioneers . . . following as true an instinct . . . as any that has been leading our fathers across the Atlantic to this land of promise."[14] The services thus held on the soil of Tennessee ended with the singing of "God Save the Queen." And so the American Rugby formally came into existence. It was hailed as "the pioneer settlement of the present generation," "Tom Hughes's colony." The pity was that its illustrious founder was shortly to quit America. A meeting of Parliament in the following month called him back to England. Much of the fame of the entire venture is due to Hughes's great name. "Nine-tenths of the Englishmen who came to Rugby" were influenced by the personality of the famous novelist.

The proper planning of its city greatly concerned the Board of Aid. Rugby was to "lay out her streets and residences with due regard to the symmetrical building up of a village that may attract by its quiet, comfort and repose, and subdue by the refinement and culture that may be as distinctly felt in Rugby as in an old-fashioned village in England." "Parks, gardens and recreation grounds" were carefully reserved.[15]

So great was the renown of the colony in the heyday of its youth that a steamship company thought it worth while to advertise through-rates from London to Rugby. The American line of steamers operating between Liverpool and Philadelphia advertised that it would take settlers from London to Rugby at the following rates: first class—fifteen pounds, fifteen shillings; third class—eight pounds and ten shillings.[16] Living today, in 1927, in Rugby are two Englishmen who bought through tickets in the old country for Hughes's colony in far-off Tennessee.

The possibilities of Rugby as a health resort were early realized by the Board of Aid, which set itself the task of constructing a hotel in which to accommodate the confidently expected health-seeking, pleasure-seeking guests. It was hoped that the visitors would be enamoured of the place to the extent of establishing for them-

[14] Thomas Hughes, "Rugby, Tennessee," in *Seaside Library*, LI, No. 1041 (July 19, 1881).
[15] B. S. Cunningham, Vice-President, Cincinnati Southern Railroad, to Thomas Hughes, September 4, 1880, Rugby MSS.
[16] *The Rugbeian*, August 5, 1882; *Plateau Gazette*, June 30, 1883.

selves permanent residences; in short, it was thought that the hotel might furnish a means by which lands could be sold. The construction of the first Rugby hotel was begun by the Board in March, 1880. The name was borrowed from the Tabard Inn of Southwerk, London, that "gentil hostelrye" where lay the pilgrims "that toward Caunterbury wolden ryde." In the younger as in the elder Tabard, "the chambers weren wyde." The Rugby model was "a slightly building," a "first-class hotel in every respect, newly furnished from cellar to dome."

The Board of Aid not only built and furnished a hotel but undertook to manage it. At the modest salary of forty dollars a month they engaged a proprietor, whose love of the town is reflected in the name of his son, Mr. Rugby Ross. From far and wide came visitors, many of them of high degree. Charles A. Dana of *The Sun* wanted two rooms. "May I ask," runs his cautious letter, "if this hotel is kept by an American or an Englishman. And if an American, is he a Southerner?" The summer season of 1883 opened early. In April, the Tabard had twenty-two guests from various parts of the United States. Later in the season arrived Richard T. Ely, of Baltimore, and Lord Kimber, of London, "accompanied by several prominent English capitalists."[17]

To that of hotel managing, the Board later added the business of store-keeping. Prompted by the coöperative view of its president,[18] it early established a commissary. The first building was a rude log structure in which there was "hardly room enough to swing a cat." In September, 1881, these narrow quarters gave way to a new store with ample flooring on which "a game of base-ball might almost be played." This building, known to this day as The Commissary, stands on Central Avenue. Coöperative ideas were familiar in England, and Hughes sought to popularize them in Tennessee. His plan provided that every settler should become a member and part owner of the commissary.[19] As he explained, "everyone will get whatever profits are made on his own consumption, and the business will be directed and superintended by a board of council chosen by the members themselves. . . . The plan of the Commissary is to balance at the end of every quarter, and

[17] Thomas Hughes, *Rugby*, 49; *The Rugbeian*, January 28, February 4, October 14, 1882; *Plateau Gazette*, April 28, May 5, September 22, 29, 1883, January 17, 1884.

[18] Thomas Hughes, "Essay on Co-operation—address delivered in the Cooper Union, New York, November 5, 1880," in *Library Magazine*, 1880.

[19] "The Commissary" had been erected by Thomas Hughes at a cost of three thousand dollars.

divide the net profits among the members pro rata according to the amount of their purchases during the quarter."[20] Thus the Board was making it "free to all settlers to deal directly with the manufacturing and wholesale houses."[21] The commissary was organized in October, 1880, in connection with the office of the Board. The profit for the first three months was nearly nine hundred dollars, which was audited to consumers pro rata according to the amount of their purchases during the three months.[22]

The Board of Aid not only operated a commissary and a hotel but even built the dwellings for its colonists.[23] Such buildings as have survived Rugby's devastating fires remain a tribute to the colony's English carpenters and cabinetmakers. In "Uffington House," "The Lindens," and "Adena," the walls and ceilings are solidly ceiled with oak that is growing every day more beautiful with nature's seasoning. A huge table reposing now in the commissary was so adeptly put together that the grooves in the wood can be traced only with a microscope. At one time the Board employed as many as five hundred laborers in connection with the operation of its saw, shingle, and stave mills.[24]

Although the Board of Aid engaged in building operations and hotel keeping, its president's dearest interests were mainly agricultural.[25] To demonstrate that all manner of fruits, cereals, and vegetables might be produced in Rugby, he had the Board establish a model "English Garden" which should serve to encourage young and inexperienced colonists. The garden and orchard were laid out under an experienced manager, Amos Hill, remembered in Rugby today as "h'Amos 'ill." As the Board's representative, Hill gave gratuitous advice to settlers, and settlers in turn were recommended to take his advice. The gardens proved that the Plateau was suited to the production of a great variety of vegetables.[26]

Realizing that the agriculturally intentioned young Englishmen who were to be encouraged to come to Rugby were hardly the type to convert a wilderness into a garden, the Board of Aid

[20] *The Rugbeian,* August 26, 1882; *Rugby* (Cincinnati, 1880), p. 9.
[21] Harriet Beecher Stowe, "Lecture to the Social Science Sisterhood, San Francisco," re-printed in *The Rugbeian,* May, 1881.
[22] *The Rugbeian,* February, 1881; *Plateau Gazette,* June 2, 1883, February 21, 1884.
[23] *Rugby,* p. 10; *Knoxville Whig and Chronicle,* December 22, 1880.
[24] *The Rugbeian,* October 14, 1882; *Plateau Gazette,* March 27, 1884.
[25] *Knoxville Whig and Chronicle,* September 8, October 13, 1880, October 6, 20, 1883; *Daily Memphis Avalanche,* September 11, 1880.
[26] *The Rugbeian,* October 21, 1882.

decided to train its embryo farmers. It recommended that the young men be placed for a year at least with one of the settlers to learn the business of farming. This could be done at a cost of "from sixty pounds to seventy pounds for the year's board, lodging, and teaching." The Board's offer was evidently considered magnanimous, for as a result Thomas Hughes was besieged with letters from interested English fathers requesting that their sons be given a place in the new colony. Quite a number of prospective farmers was placed as boarders and pupils with settlers. The calling of agricultural teacher became a lucrative one in Rugby. Yankee observers on the Plateau considered it disgraceful of the Board to advise young men to pay a small premium to learn a year's course of farming, especially when the instructors were obviously incompetent. One of them had spent his best years as butler in the family of the Earl of Galloway.[27]

More congenial than farming to the taste of the young Englishmen was the care of horses. The Board of Aid operated stables at the Tabard Inn. Blooded horses were brought to Rugby, and riding and driving occupied the time and attention of the English youth. Said one detractor: "Surely the object of the starters of this colony was not that educated Englishmen who come out here should employ themselves as stable grooms." And yet the livery stable business proved to be one of the most lucrative in which Rugbeians engaged.

Several enterprises were doomed to failure from the start. It was early the object of the Board of Aid to establish drying and canning industries. In September, 1882, a dozen citizens met to talk over the establishment of a fruit-canning factory at Rugby. In the following July plans were made; the next month saw the plant completed; even the labels picturing the Rugby brand were ready for the cans. But the industry never materialized. A "Rugby Brick, Tile and Terra Cotta Works Co.," and a pottery manufactory, also proved abortive.[28]

Practical business men were scarce among early Rugbeians. The

[27] *Knoxville Whig and Chronicle,* March 24, 1880; *The Rugbeian,* July 2, 1881; *Seaside Library,* LI, No. 1041 (July 19, 1881); Thomas Hughes to Hastings Hughes, School House, Rugby, England, April (?), 1881, Bois Rectory, April 18, 1881, and Pall Mall, Athenæum Club, December 23, 1880, Rugby MSS.; *Plateau Gazette,* May 12, 1883.

[28] W. H. Hughes to Robert Walton, September 12, 1882, Thomas Hughes to Robert Walton, Chester, England, April 12, 1885, Rugby MSS.; *The Rugbeian,* September 10, 1881, July 1, October 14, 1882; *Knoxville Whig and Chronicle,* March 24, 1880, quoting from the *Boston Daily Advertiser,* March 10, 1880; *Plateau Gazette,* March 31, May 19, 1883.

type of colonist that the founder had in mind can be only vaguely guessed. His aim and hope were to plant on the Tennessee highlands a society in which the humblest members, who lived by the labor of their hands, would be of such strain and culture that they would be able "to meet princes in the gate without embarrassment . . . should any such strange persons ever present themselves before the gate tower of Rugby in the new world." The Cumberland Plateau was the mecca to which could emigrate young Englishmen of wealth who had not yet found themselves. A former Rugbeian wrote: "The idea of the Tennessee colony was for young fellows of the middle and upper classes to go in for manual labour instead of quill-driving." In the Rugby colony "every Public School was well represented from Eton to Westminster, from Clifton to Bedford, from Marlborough to Wellington." Said another Rugbeian in 1882: "Some of our colonists are evidently dukes incognito or lords in mufti." "Upwards of one thousand young Englishmen tried their fortunes at Rugby at one time or another." They were "A decent lot of fellows," who "knew the dead languages and how to swear like gentlemen." Years later an appreciative colonist could recall "no black sheep in that little colony."

Social life among the Rugbeians must have been delightful. Holidays were enjoyed to the full. Christmas was celebrated after the English fashion with plum pudding. "American residents although impervious to such ravages in the past fell victims to the curranty malady." The talent of the community expressed itself in various social organizations. A dramatic club met fortnightly at Pioneer Cottage and treated itself to such readings as "The Massacre of the Innocents," "The Prisoner of Chillon," and other lengthy favorites of the "eighties." The youth of Rugby entertained itself in its many leisure hours with athletic activities. "The early tediousness of tree-felling and land-clearing" were "relieved by occasional lawn tennis," in which sometimes even "the lady guests of the Tabard" took a hand. The existence of the Archery Club, the Pioneers Football Club, and the Rugby Baseball Club indicate that life in Rugby in the early days was not all toil. The Rugby Isthmian games represented not only classic traditions, but English

horsemanship. All told, as Hughes said, Rugbeians were having "what is called a 'bully time' on this continent."[29]

One of the most striking features of early Rugby was the æsthetic side of its life. Its people were not of the pioneer type, bent exclusively on gaining their sustenance from the soil. On the contrary, they were "not unmindful of the sounder and more genuine refinements of life." They accepted the Emersonian dictum: "A man should have a farm or a mechanical craft for his culture." They believed with Thomas Hughes "that there should be a distinct acknowledgment that the cultivation of beauty is a necessity of human life."[30]

The picturesque location of Rugby between the gorges of the Clear Fork River and White Creek caught the enthusiasm of the young English folk. The felling of the forest, the clearing of the land gave way before "jolly walks," and rides "under the gold and russet autumnal canopy of hickories, chestnuts and pines." The young Etonians who entertained Hughes on his first night in Rugby had not been too busy to place on his table "a great basin full of wild flowers." In his address on opening day, Hughes said: "It is hoped that in dealing with lawns and trees we may each of us bear his part in producing a beautiful picture." Every Rugbeian aspired to cultivate "as many flowers as our garden borders will hold" so that "our houses may express the refinement of the occupiers." The "noble forest trees" and "the rivers rustling through the glen" inspired Rugbeians to poetic efforts of no mean worth.

Rugby was distinguished by countless alluring touches. Around the Tabard Inn, pet deer cropped the grass; from the little church steeple a "good toned bell pealed over the surrounding forest." The names of the "cottages" were charming and original. "The Moated Grange" was the home of a settler who came from Rugby, England. "Uffington House" is reminiscent of the Hughes home in old Berkshire. "Walton Court" is the namesake of an old family estate across the sea. "The Lindens," "Adena," "Roslyn," "The Wren's Nest," "Gray Gables," are all still gracing the forest streets of Rugby. "The Savage Club" of London connotation, and "Yan-

[29] *Rugby*, pp. 13, 17; *The Advertiser* (Rugby, England), October 26, 1923; *The Rugbeian*, May 20, 1882; Social Club Papers, Rugby MSS

[30] *Knoxville Whig and Chronicle*, September 22, 1880; *The Rugbeian*, January, 1881; descriptions and sketches, Rugby MSS.

dilla Cottage" that used to belong to an Australian family, are no more to be seen in Rugby.

The materialism of the age, "nowhere so strong and so decided as here in America," did not trouble Rugbeians. More important to them than plow and hoe were the "Dramatic Club," the "Cornet Band," and especially Fardon's Library on Central Avenue where for five cents were loaned magazines: *The Atlantic Monthly, Harper's Monthly,* and *The Century.* In summing up the necessary outfit for the prospective settler, Thomas Hughes said: "His chest or bag will of course find a corner for . . . a favourite book. . . . He can easily run home in a year or two for his 'Lares and Penates.' "[31] As events were to show, the colonists did not need to bring with them printed treasures.

The most amazing feature of present day Rugby is its library of some seven thousand volumes—an extraordinary assemblage for a community of less than one hundred persons. On the doors of this building can be read today—"Thomas Hughes Public Library, Opened October 5, 1882." The lot on which the library stands, a part of the reservation for public buildings, was deeded to the trustees by the Board of Aid. In the library hang two large framed photographs, one of a young Cambridge scholar who served as treasurer to the library, the other of Thomas Hughes.

Thomas Hughes's name was a familiar one in the publishing world. In 1882 his *Tom Brown's School Days* had reached a sale of two hundred thousand copies. It was destined to go through sixty-six editions. "More than any other writer, Thomas Hughes had contributed to establish the financial standing of the firm of Alexander McMillan." Harper Brothers had published an illustrated article on the Hughes colony in Tennessee. After the opening of Rugby, a formal breakfast in Boston was tendered the author by the firm of Houghton, Mifflin Company. "As a token of respect for Thomas Hughes," Dana Estes proposed that a free public library be formed for Rugby. The plan was at once taken up by the publishing companies of Boston, New York and Philadelphia. All told, thirty-eight firms contributed. Thus several thousand volumes, a tribute to Thomas Hughes from the publishing world of the United States, found their way to the far-famed wilderness. The Pennsylvania Railroad generously shipped the boxes of books

[31] Social Club Papers, Rugby MSS.

gratis. A Library Association was formed by the appreciative Rugbeians; and, true to type, they sought for themselves a charter of incorporation from the state legislature.[32]

The gifts from the Eastern cities were the more praiseworthy in that these cities were under no obligations to the founder of the colony. The city of Chicago, however, was deeply indebted to Thomas Hughes, for after its famous fire nine years earlier, Hughes had presented a collection of more than seven thousand volumes to the city. But in the year, 1881, that city found that its "busy men of affairs hardly remembered the great fire, much less any obligations connected with it." And so "rich, faithless Chicago" forgot "poor Rugby."[33]

It was generally felt that if the library were built the colony would have more chance of succeeding, that "nothing could add a greater interest to Rugby than a substantial library building well stocked with books." It was erected at a cost of little more than two thousand dollars—every dollar an individual contribution. On June 5, 1882, the cornerstone was laid. In the following fall, midst impressive ceremonies in which the aged mother of Thomas Hughes participated, the library was officially opened. The Hughes Public Library did not confine its valuable services to Rugby. From other Plateau towns, Jamestown, Allardt, and Wartburg, came persons eager to take advantage of the unusual luxury—a library in the backwoods.[34]

Rugby was further distinguished in earlier days by the publication of a newspaper, the only one that existed in the immense neighboring territory of no less than five counties: Morgan, Scott, Fentress, Anderson, and Campbell. The names considered, in January, 1881, for the new-born journal were: *The Rugby Brotherhood, The Rugby Cousinhood,* and *The Rugby Anglo-American.* The simpler name adopted was *The Rugbeian.* According to the proud young editor, the paper was "read from California to New York and from New Orleans to Buffalo." Several copies went regularly to England.

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[32] Washburn and Templeton to E. Bertz, Knoxville, September 13, 1882, Rugby MSS.; *The Outlook*, February 7, 1923; *Chicago Tribune*, December 14, 28, 1890.

[33] Dana Estes to Franklin W. Smith, January 24, 29, 1881, to W. H. Hughes, October 18, 1881; Wm. F. Poole, to Hastings Hughes, Chicago, October 14, 1880, Rugby MSS.

[34] Edward Bertz to Mrs. Percival, Potsdam, February 18, 1886, to J. H. Blacklock, June 3, 1882; letter (no signature) to Edward Bellamy, December 31, 1881; Franklin W. Smith to Dana Estes, January 26, 31, 1881; Dana Estes to Edward Bertz, June 9, 1882; Thomas Hughes to Mrs. Percival, September 20, 1886. W. H. Hughes to "Brother Walton," Boston, November 7, 1887; Edward G. Mason to Mr. W. H. Hughes, Chicago, October 22, 1887; Reports of the librarians, Rugby MSS.

Of all the surviving institutions of the American Rugby the most English is Christ Church, an impressive little building surmounted by a neat belfry.[35] "Sunday morning service," we are told in a Rugby pamphlet printed in the year 1881, "is that of the American Episcopal Church which is identical with the English National Church. In the evening a union service is held." The union service represented the test of the experiment as to whether "members of different Christian denominations cannot agree well enough to use one building for their several acts of worship," as Thomas Hughes had hoped that they could. Early in the year 1880, the Board of Aid appropriated the lot on which the church was erected.[36]

The Board of Aid also donated land for a cemetery, named Laurel Dale. It received a regular deed of consecration in the year 1882, from Charles Todd Quintard, "Bishop of the Holy Catholic Church." A deed of incorporation was drawn up, signed and sealed, and a "body politic and corporate" instituted.[37]

The cemetery, the little English church, and the library may still be seen in Rugby; but other dreams of the Rugbeians persist in no such tangible form. The schools, the college, the university that were to be in Rugby have today no concrete embodiment. Like the church and the cemetery, the Arnold School received ground from the Board of Aid. The Easter term was to begin in January, 1885. Its famous prototype in England, the Rugby School, was founded more than three centuries before. The school had behind it at least a famous name. Furthermore, it was affiliated with the University of the South, at Sewanee, and was under the patronage of the Protestant Episcopal Church in Tennessee. The Head Master was a member of London University. The Arnold School in Tennessee did function for a time at least, but it was destined to await in vain its successive generations of Tom Browns. In 1884, a "University School" was talked of in Rugby. At one time it was proposed to use the Tabard Inn for a college, and still another institution of learning was to be built upon the

[35] An interested observer writes to Thomas Hughes from Oxley, Victoria Australia, "Pray do not have professors of religion amongst you. . . . Once introduce the parson and I should despair. By the bye, however, I saw you had a Bishop at the laying of the foundation of your Church building. . . . How far are you amenable to the laws of the United States?" Rugby MSS.

[36] Christ Church Record, Rugby Tennessee, Rugby MSS.; Thomas Hughes, *Rugby*, pp. 11-12.

[37] Record of Laurel Dale Cemetery; Frederick C. Fisher to Henry Kimber, May 8, 1889, Yandilla, Rugby; Henry Kimber to F. C. Fisher, of Yandilla, Rugby, London, May 21, 1889, Rugby MSS.

bluff at the further end of the Gardens. But these collegiate schemes came to naught, and Rugby failed to realize her projected dream as the scholastic center of the Plateau of the Cumberland.[38]

Much of the blame for the failure of Rugby must be laid at the door of the Board of Aid. From their London office they attempted to govern their colony more than thirty-five hundred miles distant. The minutiæ of business could not properly be controlled from the farther shore of an ocean. Moreover, the members of the Board were in Rugby only on detached and rare visits. The president of the Board left the colony almost immediately after its opening. Instead of giving his personal attention to the enterprise, he was enjoying the hospitality of the cities of the East. Sir Henry Kimber, the chief capitalist on the Board, at one time when the colony needed his aid, was away in South Africa, at another time on his way to Rugby, Australia. Even when in London, he was like Thomas Hughes, a busy member of Parliament and so had "little time for Rugby."[39]

The inevitable result of attempting to govern at this distance from the base of operations was mismanagement. Summer visitors slept in leaking shanties while carpenters were engaged in such tasks as cutting a path to the Meeting of the Waters or putting up a fence around the tennis ground.[40]

Much of the unpopularity visited upon the Board of Aid was the result of its unfortunate dealings in land. Nearly a year was occupied in scrutinizing deeds and dealing with squatters. The Board's counsel had great difficulty in straightening out titles. Delay and confusion sprang from the following facts: the descriptions used by the early surveyors were inaccurate and vague; interferences, conflicts, overlapping claims prevailed; deeds were not always recorded; "possessions" were the basis for many titles. In entry number 1929, for example, one thousand one hundred acres were subjected to three opposing claims, one claimant being the Board itself. Each set of claimants insisted on its title. Because of conflicting claims, Temple rejected the title of one entry of more

[38] *The Arnold School, Rugby, Tennessee; The Dial,* August 16, 1990; *The Rugbeian* (monthly), June, 1881; *The Rugbeian* (daily), June 24, October 7, 1882; *The Plateau Gazette,* September 29, October 20, November 10, 1880, March 6, December 20, 1884; *Knoxville Whig and Chronicle,* March 24, October 13, December 22, 1880; John Boyle to F. W. Smith (printed, no date); Social Club Papers, Rugby MSS.

[39] Edward Bertz to Mrs. Percival, Potsdam, February 18, 1885; Franklin W. Smith to Robert Walton, Paris, October 21, 1882, *ibid.; The Rugbeian,* January 28, 1882.

[40] *The Rugbeian,* January 28, February 25, October 7, 1882, March 3, 1883.

than three thousand acres. On entry number 1932 there were three interferences, all placed under other entry numbers and surveyed at various times since the year 1826.

Besides overlapping claims, or interferences, difficulty arose from the fact that sometimes deeds were not recorded. In many cases no papers existed either in the possession of the owner or at the county seat. In entry 1929 one claimant had no deed, not having paid the purchase money of fifty cents an acre.

A third obstacle to a clear title obtained in the case of "possessions." Even today the counties of Morgan and Scott show here and there little square patches of cultivated land fenced in from the surrounding wilderness. In many cases no sign of human habitation justifies the cultivation. Often lands were sold for back taxes.[41]

A resurvey of all the Board's lands was necessary. The expense of this was borne by the Board. In May, 1879, they sent a surveyor from Boston to locate and portion off "this second Eden." But after three years, orders came quite unexpectedly from England to discontinue the survey. The result was almost a panic among the settlers who had not yet received their deeds from London. Many settlers who owed the Board money thought of leaving. A family from Boston was obliged to live in a tent while waiting to secure a lot on which to put up a house. The Board's representative at Rugby had no authority to assign a lot, and, therefore, the family had to await a reply from England. Meanwhile winter was coming on and the wife was ill. The Board was not easy to locate. The lots were even less so. In this way prospective settlers were discouraged. Interested but cautious visitors at the Tabard hearing of the land difficulties of the Board, feared to make their homes in Rugby.

The difficulties of the Board were given unhappy publicity through the number of lawsuits in which their newly acquired property was involved. At one time there were as many as fifty-two injunctions against the Rugby people. Even the first manager who was authorized to buy lands for the Board sued it for salary and commission.

Future buyers were intimidated not only by the number of lawsuits in which the Board was involved, but by the further fact that

[41] *Rugby Gazette*, November 22, 1884; *Plateau Gazette*, January 12, 1884; *The Rugby Handbook*.

the price of the advertised lands was not tempting. A farmer holding three hundred acres of land seven miles from Rugby "found the prices asked by the Board of Aid for their farming lands far too high," and so did not purchase from them but instead "secured land for about a third of their price."

A further drawback consisted in the restrictions imposed by the Board upon its lands. The right to control all minerals and even timbers was reserved to the Board. Permission to sell timber had often to be secured from the distant London office. Still other restrictions obtained as, for example, that regarding the making and selling of liquors. Whether or not this prohibition operated to restrain colonists is uncertain, but in any case it was a restriction and may have deterred some prospective purchasers.[42]

The land sales of the Board fell off as the years advanced. Of the one hundred and six sales made in the first six years, seventy-four were made in the first two years. Property was changing hands and falling in price with each transaction. A town lot at the corner of Cumberland Avenue and Harrow Road was advertised in 1883 for forty dollars, although the price paid by the owner had been seventy-five dollars. Residents began to leave the colony, the population slowly dwindled; and Rugby, when two years old, instead of having one thousand inhabitants or more, was decreasing in population. Distance, mismanagement, the absence from the colony of its chief directors, land difficulties, conflicting titles, overlapping claims, and litigation contributed to the failure of the Board of Aid to Land Ownership, Limited.[43]

Other conditions beyond the control of the Board of Aid contributed to the decline of Rugby. The Cincinnati Southern Railway failed to build a narrow gauge railroad to connect Rugby with its nearest depot, Sedgemoor, "a bare platform in the middle of a forest," seven miles away. According to schedule time, two hours were required to travel the hills between town and station.[44] However, as a summer resort, Rugby at first bade fair to succeed; but the first Tabard Inn burned when only six years old. A second Tabard was built upon the site of the first. It, too, was lost by fire, and the Board of Aid had no insurance with which to replace

[42] N. H. Tucker to F. W. Smith, Plateau City, September 10, 1879, E. Bertz to Robert Walton, January 31, 1883, Rugby MSS.; *The Rugbeian*, September 10, 1881.

[43] Thomas Hughes to Hastings Hughes, October 11, 1880 (the "1880" is printed on the letterhead), Board of Aid, London; Board of Aid Papers, Rugby MSS.

[44] *Knoxville Whig and Chronicle*, September 8, 1880.

it. Another calamity visited Rugby in the first year of its existence and threatened to ruin the whole enterprise. For more than one hundred days in the early summer of 1881 no rain fell. The wells in the town proper either dried up or became polluted. Typhoid fever broke out. For three months the little community found itself in the grip of the epidemic. "One after another the English youth, friendless and far from home fell victims to the deadly typhus." The names of the unfortunate Englishmen may be read today on their monuments in Laurel Dale Cemetery. Their loss to the community was apparent. In September, 1881, *The Rugbeian* was not printed because "both assistants were stricken down by the typhoid." According to a former Rugby resident, "When the debacle set in there was a stampede of the original settlers." Sales of land fell off from forty-four in the year preceding to seven in the year after the epidemic. Far and wide spread the tale of Rugby's misfortune. As a health resort the reputation of the plateau was temporarily blasted.[45] Another cause contributing to the failure of the colony might be mentioned the reputation which fixed Rugby as a communistic venture. The commissary suggested coöperation, coöperation suggested socialism. The uninitiated shuddered and stayed away from Rugby.[46]

The Rugby commissary, hotels, land deals, and resort possibilities were failures. But more potent than all of these in bringing about the downfall of the colony were the agricultural and industrial failures. One cherished scheme after another failed to function: sheep-raising, dairying, canning, brick and pottery making, all ended disastrously, leaving their promoters embarrassed financially and Rugby poorer in reputation. The agricultural efforts of the English youth were at best half-hearted. Let one relate his experience; "Seeds refused to yield to the soft blandishments of the 'mulatto clay subsoil.' One or two only were venturesome enough to sprout but died we think of spinal meningitis. We regretted this untimely end exceedingly, as we had carefully learned their Latin names, and intended inviting friends up to talk about them. We have given up agriculture as a profession."

The farming misfortunes of the inexperienced Englishmen may

[45] Thomas Hughes to Hastings Hughes, Pall Mall S. W., May 30, 1881, *ibid.; The Rugbeian* (monthly), April, 1881, (daily), July 1, 1882; Board of Aid Papers, Rugby MSS.

[46] Thomas Hughes to F. W. Smith, June 21, 1880, *ibid.; The Rugbeian* (monthly), January, 1881; *The Critic,* Number 28, p. 220; *Plateau Gazette,* February 28, 1884.

be attributed in some part, to the fact that the soil of the Cumberland Plateau was "thin and poor."[47] Even the report on the plateau land drawn up by the "Tennessee Minister of Agriculture" was none too flattering. Another view of the Rugby agricultural failure has it that "The country around new Rugby is such that the best colonists cannot make much of it, and the colonists are such that they could not do anything with the best land."[48]

It was not a farming, pioneering, class that came to Thomas Hughes's colony. Still worse, these young men had money! Among them were "remittance men," receiving a definite stipend from the home country, and so feeling no great urge to work at the heavy tasks of frontier life. The youth stayed at the hotel, or boarded as "pupil farmers" with a "teacher" whose interest in them began and ended with the state of their finances. A "wrong class of people" was sent to Rugby. They "only loafed, grumbled and wrote to the papers." Rugby needed as colonists "practical English farmers and workmen, not graduates of universities, who never did a stroke of work in their lives."[49] Added to idleness was the vice of over-indulgence in spirituous liquors. The Board of Aid had tried to guard against this kind of misfortune. Rugby was legally a temperance colony. Nevertheless, it appears that "some rowdies did come to Rugby to carouse for a living."[50]

When the Board of Aid realized that "felling the mighty forest" and "speeding the plow" were beyond the range of the Rugbeian vision, it desparied of its young English bluebloods and lent an ear to propositions for non-English colonization. A plan to settle French and Franco-Canadian peasants on the Rugby estate was being promoted by Baron Salvador of Paris who worked with the French Immigration Agency at St. Paul. The Board entertained the project to the extent of paying all the expenses incurred by Salvador on his frequent visits to Rugby. The French group, it was planned, should settle at first apart from the English group already in Rugby, but as the town expanded the two groups would merge. But no French or Franco-Canadian colonist ever found his way to the Rugby neighborhood.

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[47] Judge Houk, Member of Congress from the district including Rugby, thought that this section was "not very well adapted for farming." *Knoxville Whig and Chronicle*, December 22, 1880.

[48] Social Club Papers, "Mentor" to Thomas Hughes, Dayton, Tennessee, September 7, 1880, Rugby MSS.; *Knoxville Journal*, October 4, 1925; *The Rugbeian* (monthly), February, 1881.

[49] *The Rugbeian*, July 2, 1881, January 28, February 11, 1882.

[50] F. W. Smith to Robert Walton, Paris, September 20, 1882, Rugby MSS.; *The Rugbeian*, October 7, 1882.

The Board of Aid then decided to "place one or two hundred families of Germans on fifty-acre farms." In this case the colonists did come to the Plateau, but not to Rugby. In the year 1883, German families passed through Rugby only to settle nine miles to the west at Allardt.[51]

Rugbeians dreamed not of so many bushels to the acre, but of a university school to be modeled after the Rugby school of the mother land, of a philharmonic society, of a dramatic club. That the English in the plateau colony were unpractical there can be little doubt. In the stress of pioneer conditions they complacently indulged in the luxuries of an old and settled community. The Rugby colony started at the top, enjoyed the pleasures of the mind at leisure, and neglected to build up a community with a substructure of economic or agricultural prosperity.

The social habits of the English people of Rugby did not endear them to their Boston associates, still less to the native hill folk. The Board of Aid office was a byword of "snobbish incivility." The situation was not relieved by the pompuous, overbearing English official, known as "Lord John God Almighty Boyle." A commentator in 1883 wrote: "One reason why Rugby does not succeed is because the people here think themselves too good to entertain social intercourse with some of the people intending to settle among us." Snobbishness was a thing that Thomas Hughes would have greatly deplored.[52]

The English failed even more completely to appreciate socially the native hill folk, who numbered twenty per cent of the population of Rugby and whose entire manner of living contrasted with that of the "furriners," both Yankee and English. To the romantic founder of the colony these mountaineers were quaint and picturesque. To the Rugbeians who saw them day in and day out, their quaintness in speech and writing soon lost its charm. "Natives" became to them only the "lank, jaundiced-cheeked sons of the mountain," "the race of sour-looking, lantern-jawed, dyspeptics with which this great country is largely peopled." "The resident mountain population resented the entrance of the outsider into the

[51] *The Allardt Neighbor* (monthly), October, 1925; Baron A. Salvador to Robert Walton, French Consulate, St. Paul, August 27, September 10, 19, 1884, Rugby MSS.

[52] Thomas Hughes to Hastings Hughes, Germanic—Nearing Queenstown, November 15, 1880, *ibid.*; Thomas Hughes, *Tom Brown's School Days*, p. 59; *Plateau Gazette*, October 27, 1883; Social Club Papers, Rugby MSS.

territory over which it had been accustomed to exercise unrestrained acts of dominion." The "bossing" of the English was not to the liking of the natives. As Thomas Hughes's son said: "They prefer a squalid freedom to tenantry and wage-earning." Failure on the part of the English to appreciate the Yankee and the failure of both to win over the native mountaineer did not further the prospects of the colonists. One of the Rugbeians wrote in 1882: "We believe the colony has been simply strangled by the want of tact and appreciation of the country we are living in. This nonappreciation of American ways and thoughts has been conspicuous in the conduct of affairs. The whole atmosphere of the place is old world and conservative."[53]

English the colony was; English it remained. In the *Plateau Gazette* and in *The Rugbeian,* parliamentary news was placed among Rugby news without any special caption: "A bill has been introduced in the House" meant not the American, but the British lower house. Rugby social gatherings often ended with "God Save the Queen." The price printed on the labels for the ill-fated canning products was in shillings and pence rather than in cents. The charges at the toll bar of the covered bridge over the White Oak were "for every horse, mule or ass three half-pence." A facetious account of the very Englishness of the English at Rugby had it that "For a long time the poor colonists endured the torments of Hades. They are Englishmen of culture and refinement and at one period their supply of Worcestershire sauce became exhausted and their agonies were terrible to witness. But even this disaster was followed by a greater—this was the failure of London *Punch* to arrive on time. . . . This had a most depressing effect on the pioneers of culture, high art and mutton chop whiskers." When the plum pudding gave out, the Rugbeian fed on his grievances. But after all "it is the proud privilege of the Anglo-Saxon to be in a chronic state of growl. An Englishman without a grievance is like a squirrel without a tail."

The diatribes chronicled in the local press reached the outside world. "Jaundiced statements in the press" discredited the whole movement. Rugby was reputed to be an exclusively English colony. This view, as a Board of Aid stockholder in Boston complained,

[53] Social Club Papers, George Hughes to W T. Walton, March 8, 1926, *ibid.; The Rugbeian* January 28, 1882.

"must do much to prevent settlers's going to Tennessee from New England or other sections of the Unitd States." A Pittsburgh newspaper contributed the information that the Tennesse colony was founded by "Thomas Rugby." The advertising in American papers was detrimental to the progress of the colony; in the English papers there was complaint of a dearth of advertisement. The press nowhere helped in the peopling of the still lonely Tennessee woodlands.

Among unfortunate Rugbeian traits might be mentioned blatant optimism and complacency. A few months after the spectacular opening, we learn that: "The certainty of Rugby's becoming a thriving city at no distant date is being steadily forced upon the minds of all of those who are watching her with so much interest." The English clergyman of the colony said: "We can't fail in Rugby, . . . our hopes of ultimate success are unclouded." The manager of the colony was sure that it would soon be "pretty thickly populated." It was impossible to disturb the "grand equanimity of his soul, so possessed of its strong instinct of Rugby's power and future growth."

Rugby's optimism was equal to her complacency. What though "some of our schemes well devised 'gang aft a-gley,' we know that we are young yet, and not here, never to make mistakes, but to profit by them." If Rugby was not growing, no one worried about it. Why should he? The colony had a lawn tennis club, a social club, an amateur brass band, a library, a church, and good fishing and hunting. The clergyman of little Christ Church wrote: "There is no indecent haste about us. The rush of the busy world, that trait peculiar to the American people of being always in a hurry never troubles one in Rugby. We are traveling on with the steadiness of the tortoise in the fable which won the race in the course of time." Thomas Hughes distrusted very rapid pecuniary returns. He preferred slow and steady growth. "I like," he said, "to give the cream plenty of time to rise before you skim it." A commentator summed up the situation: "Rugby cannot be regarded as a failure but rather as a project that never had vitality. Its originators were idealistic gentlemen who had little conception of American matter-of-fact methods."[54]

[54] *The Rugbeian*, January 7, 1882; *Plateau Gazzette*, October 13, 1883, March 27, 1884; Albert M. Knight to Hastings Hughes, Boston, September 28, 1880, Social Club Papers, Rugby MSS.

Idealism as much as optimism and complacency lie at the bottom of Rugby's failure to become a "thriving city." The Tennessee Utopia was primarily intended for the gentlefolk of England, for "traders who no longer esteem trade." The founder of the American Rugby believed in "the subdueing of the trade spirit to the spirit of Christianity." He deprecated "open and unabashed property worship." In the American colony there should be no "rivalry of shop-keeping and the trials of trade." On the contrary only such conditions should be tolerated as were "favourable to the building up of a simple, healthy and cultivated life." Rugby was to be a complete realization of "Christian Communism." "The Tennessee settlement," said Thomas Hughes, "is about the most hopeful of the many new Jerusalems which have attracted me." On his idealistic experiment the English philanthropist spent almost his entire fortune—a fortune which was being constantly augmented by sales of *Tom Brown's School Days*. Out of his personal funds, the novelist contributed liberally to all Rugby enterprises. In the pottery, canning and other abortive schemes, Hughes bought several shares of the worthless stock. He invested liberally in Tennessee lands. Some of his town lots have recently been scorned by his son, sick at heart over the whole Rugby episode which ate up the family fortune. Thomas Hughes never forgot his American Rugby. "He had treasure in our Tennessee, and his heart was to some extent there also." To the end, the English writer cherished hopes for his colony's success. To Rugby friends he wrote: "I am nearing the psalmist's limit of three score and ten . . . and may not see Rugby again. . . . I can't help feeling and believing that good seed was sown when Rugby was founded, and that someday the reapers whoever they may be . . . will come along with joy bearing heavy sheaves with them." The last message of the beloved novelist to Rugby was, "my heart is with you in the famous fight you are making to plant a righteous and prosperous colony in those fascinating mountains."[55]

[55] *The Outlook*, February 7, 1923; Pamphlet: *Rugby*, p. 11; Thomas Hughes to Doctor Kemp Uffington House, Chester, July 12, 1891, Rugby MSS.

TWELVE NORTH CAROLINA COUNTIES IN 1810-1811

By A. R. Newsome

I.

INTRODUCTION

The North Carolina Historical Commission possesses the Thomas Henderson Letter Book, 1810-1811, a bound volume of manuscript accounts of Ashe, Caswell, Duplin, Edgecombe, Franklin, Greene, Lenoir, Moore, Rockingham, Surry and Stokes, and Wayne counties, written in 1810 and 1811 by well-informed individuals in the respective counties at the request of Thomas Henderson & Co., publishers of *The Star* (Raleigh). These accounts, dealing chiefly with contemporary or recent events and conditions of which the authors possessed first-hand knowledge, are at once the first known descriptive accounts of North Carolina counties and, perhaps, the most valuable source available for non-political conditions in North Carolina in the early nineteenth century. The value of the collection is enhanced by the fact that the counties described represent the different geographical sections of the State —coastal plain, piedmont, and mountain.

The Star, a weekly newspaper, whose first number seems to have appeared on November 3, 1808,[1] was unique in North Carolina journalism of that period. It abstained to a considerable degree from political discussion and devoted unusual space to literature, history, science, morality, and religion. For more than six years the pages of each volume were numbered consecutively and with each volume was printed a title page and an elaborate classified table of contents.[2] Dr. Calvin Jones and Thomas Henderson, Jr., under the name of Jones & Henderson, and later Thomas Henderson & Co., were the publishers from the establishment of the news-

[1] The earliest available number is Vol. 1, No. 12, dated Thursday, January 19, 1809. If issued regularly prior to January 19, as it was subsequent to this date, the first number of *The Star* appeared on November 3, 1808. The editors of the *North Carolina University Magazine,* X, No. 4, 216, give November 3, 1808, as the date of the first number.

[2] The consecutive pagination of each volume was continued through Volume VI, and the first four numbers of Volume VII. The following topics in the table of contents of Volume II, arranged in the order of the number of articles listed instead of alphabetically as in the printed table, indicate the policy and interests of the editors: Religion and Morals, Intelligence, Agriculture and Rural Economy, Poetry, Politicks, Literary, Arts and Manufactures, Biography and Characters, State Papers and Documents, Congressional, Military, State Legislature, Medical, Law Intelligence, Scientific.

paper in 1808 until 1815. Doctor Jones, who was a man of broad public spirit and cultural, educational, and scientific interests, seems to have determined the policy of *The Star* in its early years[3] and probably conceived the project of securing and publishing sketches of the various counties in the State.

Under date of March 30, 1810, Thomas Henderson & Co. addressed a circular letter[4] to leading citizens in the State requesting each to prepare a description of his county under twenty-one suggested topics. Four months later, in a notice "To the Public," the project was explained, the twenty-one topics of the circular letter were listed, and a general request was made to "men of information" to supply a "description of such county as each may be particularly acquainted with." The information supplied should be "full and minute."[5] In April, 1811, the notice "To the Public" was reprinted; and "A Statistical Account of Edisto Island" from Ramsay's *History of South Carolina*[6] was published to "furnish useful hints to those of our friends who undertake to furnish us with accounts of the different sections of this State, as to the manner in which information of this kind may be methodized and arranged."[7] More than a year later the editors announced that "the long contemplated publication of the account of the several counties in the State, still preserves its original interest and we cherish the idea with all the solicitude we have heretofore expressed. We again most earnestly request the assistance of those, who are well

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[3] Calvin Jones, 1775-1846, a native of Massachusetts, located at Smithfield, Johnston County, about 1795, for the practice of medicine. He was the author of a medical treatise, one of the organizers of the North Carolina Medical Society in 1799, and perhaps the first physician in the State to substitute vaccination for inoculation as a preventive of smallpox. He represented Johnston County in the House of Commons in 1799 and 1802. After moving to Raleigh about 1803, he became the chief magistrate of the city and represented Wake County in the House of Commons in 1807. In 1808, he and Thomas Henderson established *The Star* and were associated as its publishers until Jones withdrew from the partnership. His withdrawal was announced in *The Star* of February 3, 1815, as effective from January 1, 1815. In 1808, Doctor Jones was chosen adjutant-general of the state militia;* in 1813, major-general; and in 1814, Quartermaster General of the Detached Militia of North Carolina. He was active in masonic affairs, becoming Grand Master of the Grand Lodge of North Carolina, 1817-1820. About 1820, he took up residence on a plantation in Wake County where he devoted his attention to agricultural pursuits until his removal to Tennessee in 1832. For a number of years he was a trustee of the University of North Carolina. In politics, he was first a Federalist and later a Whig. In 1824, he supported the presidential candidacy of Andrew Jackson. M. deL. Haywood, "Calvin Jones, Physician, Soldier, and Freemason," *The North Carolina Booklet, XIX*, 3-35.

Beginning with the number of *The Star* in which Jones announced his withdrawal from the partnership with Henderson, the continuous pagination of the newspaper ceased. Henderson published *The Star* until in preparation to move west in 1823, he sold it to John Bell and A. J. Lawrence. Bell and Lawrence gave way to Lawrence and Lemay when Bell sold his interest in 1826 to T. J. Lemay. In 1835, Lawrence sold his share to Lemay who continued to publish it through 1852. *The Star* came to devote more attention to politics and less to other matters which had made it so distinctive in its early years under Doctor Jones. *The Star*, February 3, 1815, December 29, 1826, September 3, 1835; *Raleigh Register*, January 10, April 4, 1823.

[4] *Infra*, p. 416.

[5] *The Star*, II, 119 (July 26, 1810).

[6] "A Statistical Account of Edisto Island from the Communications of the Rev. Donald M'Leod and Dr. Auld—The Medical Part from the Latter," David Ramsay, *The History of South Carolina from its First Settlement in 1670 to the year 1808*, II, 538-568.

[7] *The Star*, III, 67, 68, 71 (April 26, May 3, 1811).

acquainted with any section of the State, however limited, or to any particulars of a section, however minute, to which observation may have been more immediately directed. To produce an entire whole the contribution of detached parts are expected. The labour of arrangement and amalgamation will be ours."[8]

Presumably the descriptions of the twelve counties written in 1810 and 1811 were received by the editors soon after their preparation;[9] but, so far as can be ascertained, not one of them was ever published in *The Star*.[10] Perhaps with sketches of only twelve of the sixty-two counties in hand, the editors awaited further responses so as to approximate more nearly their desire "to produce an entire whole" in their presentation of the West and East to each other. The pressure of political and later war news,[11] the entry of Doctor Jones into active military service, and the severance of his connection with *The Star* on January 1, 1815, may help to explain the apparent failure to publish the accounts received.

The *North Carolina University Magazine* published the circular letter and the sketch of Caswell County in 1860 and portions of the sketch of Edgecombe County in 1861.[12] Both of these two county sketches were reprinted in 1874 in *Our Living and Our Dead*.[13]

The complete history of this collection of manuscripts is not ascertainable. For many years it was in the library of the University of North Carolina, where it was used by E. W. Caruthers in preparing his *Life of Rev. David Caldwell,* published in 1842;[14] and the editors of the *University Magazine* had access to the entire collection from which they selected the Caswell and Edgecombe sketches for publication in 1860 and 1861.[15] Sometime between

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[8] *Ibid.,* IV, 71 (May 1, 1812).

[9] The editors of the *North Carolina University Magazine,* November, 1860, who had access to the manuscripts, stated that "about twenty replies" to the circular letter were received. In the Thomas Henderson Letter Book, there are eleven manuscripts covering twelve counties and nine additional manuscripts, as follows: A letter from Geo. Swain of Asheville, dated April 27, 1810, relating to a lottery for Newton Academy; a certificate from Samuel Williamson of Mecklenburg County, dated December 20, 1833, of the scholastic record of Samuel B. Massey; a biographical sketch in the handwriting of Archibald D. Murphey of William Augustus Richards, a professor in the University of North Carolina before 1798; a history of Liberty Hall Academy of Charlotte, by Adlai Laurens Osborn; an undated and unsigned fragment of a description of games and amusements; a description of a well in Duplin County; a sketch of the island of Portsmouth; an account of the mines and quarries in Chatham County, written by Ch. McKenzie, July 18, 1811; and a description of Beaufort, N. C., written by J. Henry, December 16, 1810.

[10] Files of *The Star* are available and have been examined from the date of the circular letter (March 30, 1810), until Henderson sold the newspaper in 1823, with the exception of 1814, 1816-1818, 1821-1822, and a few numbers in 1813, 1819, and 1820. They are virtually complete to 1814.

[11] *The Star,* III, 23, 119 (February 7, July 26, 1811).

[12] *North Carolina University Magazine,* X, No. 4 (November, 1860), 216-224; *ibid.,* X, No. 8 (April, 1861), 456-472.

[13] *Our Living and Our Dead,* I (September, 1874), 60-64; *ibid.,* I (October, 1874), 145-158. The Caswell County sketch, though credited to "*The Star,* 1811," was apparently copied from the *University Magazine.*

[14] E. W. Caruthers, *A Sketch of the Life and Character of the Rev. David Caldwell, D.D.,* 86, 92.

[15] *North Carolina University Magazine,* X, No. 4 (November, 1860), 219; *ibid.,* X, No. 8, (April, 1861), 456.

December 1, 1916, and November 30, 1918, it was presented by Walter Clark to the North Carolina Historical Commission,[16] and during the next biennium was bound by the Commission in its present form.[17] How and when it was obtained first by the University and later by Walter Clark is not known.[18]

The sketches of the twelve counties will appear in alphabetical order in *The North Carolina Historical Review.* The editor has sought a faithful reproduction of the manuscripts with respect to content, spelling, punctuation, capitalization, and paragraphing.

CIRCULAR LETTER[1]

By THOMAS HENDERSON & CO.

RALEIGH, MARCH 30, 1810.

SIR,

Between the Eastern and Western parts of this State there is as great dissimilarity in the face of the country, productions, and means of subsistence as usually exists between different and widely separated nations. One government embracing the whole, it is of infinite importance, in order to inculcate liberal sentiments and promote enlightened legislation, that the inhabitants of each should have a correct knowledge of the other. But this is far from being the case: Indeed the little communication between the two parts of the State, and there having never been published any account of the local parts of it, the inhabitants have

[16] *Seventh Biennial Report of the North Carolina Historical Commission, 1916-1918,* 10.

[17] *Eighth Biennial Report of the North Carolina Historical Commission, 1918-1920,* 9.

[18] In 1835, David L. Swain became president of the University. He was instrumental in forming the Historical Society of the University of North Carolina in 1844; and until his death in 1868, he was an enthusiastic collector of historical records, being commissioned by the governor in 1849 in pursuance of a legislative resolution. Swain may have secured the collection of county sketches from either Thomas Henderson, Jr., Calvin Jones, or the successors to Henderson as publishers of *The Star.* The *First Report of the Historical Society of the University of North Carolina, June 4, 1845,* contains a catalogue of the manuscripts in possession of the Society. This report was published at least three years after Caruthers had used the manuscript sketches of the counties in the University Library, but it does not include them in the catalogue. It is possible, however, that they may have been in the large collection of Steele Papers which Archibald Henderson, Sr., of Salisbury, had recently presented to the Historical Society.

At Swain's death in 1868, the material which he had collected, including the Steele Papers, was stored partly in the archives of the Historical Society and partly in his residence in Chapel Hill. Mrs. Swain claimed the material in the Swain home as personal property and retained it against the protests of the Historical Society which was re-organized and incorporated in 1875. The Historical Society deposited a large collection of its Swain manuscripts with the Historical Commission during the biennium, 1906-1908 (*Second Biennial Report, 1906-1908,* 6; *Third Biennial Report, 1908-1910,* 7). After Mrs. Swain's death, her executors, Judge Walter Clark and Richard H. Battle, secured the papers left by her, sold a number of autographs, and stored the remainder in the Secretary of State's office in the Capitol at Raleigh. Between December 1, 1910, and November 30, 1912, they were sent to the Historical Commission by Judge Clark (*Fourth Biennial Report, 1910-1912,* 7).

It seems likely that Judge Clark secured the manuscripts of the county sketches as a part of the Swain estate, of which he was an executor, and presented them to the Historical Commission during the biennium 1916-1918 (*Seventh Biennial Report, 1916-1918,* 10). *Vide* H. M. Wagstaff, *The Papers of John Steele,* I, v-vi; K. P. Battle, *History of the University of North Carolina,* I, 485-487, II, 105-108; S. B. Weeks, "Historical Review of the Colonial and State Records of North Carolina," p. 42, *The Colonial and State Records of North Carolina,* XXX.

[1] This circular letter was published in *The Star,* III, 67 (April 26, 1811), and in the *North Carolina University Magazine,* X, No. 4 (November, 1860), 216.

hitherto had no means of obtaining that knowledge. We believe an accurate description of the several Counties in the State would be generally interesting and useful. Under the influence of this belief, confirmed by the opinions of those whom we have consulted, we have proposed to solicit information from Gentlemen who by their habits and situation are qualified to give it, and to communicate it to public through the medium of our Paper.

It would be false delicacy in us to conceal that in the establishment of the Star *we were influenced by the hope that it would be a source of profit; for that consideration neither our present situation or future prospects would permit us to forego: But a desire of equal force was to render useful services to our country; to diffuse knowledge, to encourage literature and the arts, and to elevate the character of our state to that rank in the union to which the improvement of her resources and the cultivation of her talents would entitle her. Our feeble exertions have, with undeviating aim, been directed to this end. Other avocations and the difficulties inseparable from an infant establishment, under the peculiar circumstances in which we were compelled to give existence to this, have prevented our bestowing that attention to its leading objects which we desired, and have also greatly lessened the force of exertions which can scarcely be excited before they are necessarily remitted. These impediments we hope 'ere long will be lessened. While our inclinations are riveted to the objects of this establishment, the patronage which the public is bestowing upon it has increased its connection with our interests. We hope soon to add to its local value, and at no very remote period to make it approach more nearly to that standard of utility which we have in our own minds set up for it. In our renewed exertions we have ventured to solicit the co-operation of our fellow-citizens, and the object of this letter is to request of you a descriptive account of the county of* Duplin, *and any other county with which you may be acquainted.*

We have subjoined some particular enquiries, to which we wish to invite your attention. This is the only application made for information in the county named above, and having before apprized you of the importance we attached to it, we now acquaint you with the full extent of our dependence. Should, however, unfavourable circumstances put it out of your power to comply with our wishes, we have to request of you the favour to engage some gentleman to perform the task who will execute it with fidelity. Should even that be out of your power, you will please take the earliest opportunity to apprize us of it.

PARTICULARS RESPECTING WHICH INFORMATION IS DESIRED

1. Face of the country; quality of the soil, timber, growth, vegetable productions, water, value of land in different situations.

2. When the county was first settled; circumstances of settlement;

object of the first settlers. Remarkable occurences in the history of the county, particularly during the war of the Revolution.

3. Rivers, lakes, bays, harbours, canals, mountains, cataracts, islands, swamps, roads, bridges, mines, minerals, medicinal springs, and curiosities.

4. Quantity and kind of produce and staple commodities; markets.

5. General and individual wealth.

6. Towns—an account of their origin, growth and present state. Remarkable edifices; general style of building.

7. State and progress of Agriculture. Improvements. Breeds of useful domestic animals.

8. Manufactories, breweries, distilleries, &c. &c., their state and value. Labour-saving machines.

9. Commerce, value of trade, how carried on; quantity and size of shipping boats, &c.

10. Fisheries, game.

11. State of society and progress of civilization.

12. Schools and Academies; account of their rise, progress and present state; funds, libraries, number of Students, &c. &c. Teachers, their qualifications, where educated, and whether any and what collegiate degrees they have received. Men of talents residents in the county, now and heretofore; distinguishing natives from foreigners.

13. Learned professional men.

14. What proportion of the citizens cannot read and write, and what is the comparative difference, in this respect, between the present time and twenty-five years ago.

15. Societies for intellectual improvements, libraries, &c.

16. Societies for encouraging the Arts and Agriculture, and for purposes of humanity.

17. Religion; number of churches, societies and communicants.

18. Destruction by fire and storms.

19. Diseases and remedies.

20. Amusements, Sporting Clubs, &c. &c.

21. Every thing interesting not comprised in the foregoing.

These are the leading particulars to which we would invite your attention, but you will notice every thing you may deem interesting, and give the information in any form you may prefer.

We are aware that a very few paragraphs will suffice for the description of some counties, while several columns of a News-Paper may be necessary to complete the view of others. You will be limited by no other restrictions than the bounds of your subject.

We presume it would be worse than superfluous to offer any apology

for the trouble this request imposes. It would seem to imply a doubt that you did not feel sufficient interest in the spread of information, while we were led to the application solely by the perfect conviction that you would embrace with ardour any opportunity which might be offered of contributing to its diffusion.

Our very extensive correspondence compared with the slender profits of the establishment requires that we avoid every possible expence of postage; we have to request, therefore, that your communication may be forwarded by private conveyance.

We are very respectfully, your obedient servants,

THOMAS HENDERSON, & Co.

ASHE COUNTY

By T. McGIMSEY

Ashe County N: C: May 3d *1811.*

Dear Sir.

With pleasure I recd. your Letter of the 30th. March 1810 in which you request me to give you an act. of the Local situation of Ashe County &c It is pleasing to me to do so I hope you will forgive me for not transmitting it sooner

In the common intercousus of human life nothing is more interesting to mankind thin a familiar acquaintanice with each other If any communication herein contained will in the smallest degree be of scrvice to you or any of my fellow citizins it will more then amply reward my attention

That tract of country called Ashe county was first settled in the year 1755[1] Capt Jno Cox[2] informs me he recollects when there was but Two or Three Hunters Cabbens from the Lead mines[3] to the Head of Wataga[4]

It is about 120 miles Long and from five to 45 miles wide[5]

Great part of Ashe County is mountaineous and Hilley[6] yet the soil

[1] The same date is given in J. H. Wheeler, *Historical Sketches of North Carolina,* II, 27. In 1755, the territory was a part of Rowan County. In 1777, Burke and Surry were formed from Rowan; in the same year, Wilkes was created from Surry and the District of Washington; and in 1799, Ashe was formed from Wilkes. Walter Clark, ed., *The State Records of North Carolina,* XI, 470, XXIV, 28-30 (hereafter the reference to this work will be *S. R.*); *Laws of North Carolina, 1799,* chap. 35. The act of 1799 provided that all of Wilkes lying west of the extreme height of the Appalachian Mountains should be erected into Ashe County. It was named for Samuel Ashe of New Hanover County. *North Carolina Manual, 1913,* 490.

[2] Capt. John Cox, one of the earliest settlers of the region, was one of three commissioners named in the act creating the county, for the purpose of locating and erecting public buildings. J. P. Arthur, *Western North Carolina,* 166.

[3] The lead mines were in the northern part of the county. In 1755, Governor Arthur Dobbs wrote that "there are very rich lead mines discovered on New river in Virginia near our Line, and I am told also within our Line." W. L. Saunders, ed., *The Colonial Records of North Carolina,* V, 356, VI, 613 (hereafter the reference to this work will be *C. R.*).

[4] The Watauga River is in the southern part of what was then Ashe County. It flows northwestwardly into the Holston River, a tributary of the Tennessee.

[5] The extreme length and width of Ashe County in 1811 were approximately 60 and 30 miles respectively.

[6] The elevation ranged from about 2,800 to 3,500 feet. *North Carolina and its Resources,* 303, 305, 407.

is extremely rich yielding in abundance wheat Rye oats Barley & Buck wheat and evey other vigatble equal to any cold country on Earth It is a fine County for pasture and Meadows from which Great numbers of cattle and Sheep are raised which brings much wealth to the farmer The air is pure and the water as good if not superior to any upon Earth people Live Long in Ashe County often exceeding one Hundred years[7]—

The face of the country is cloathed with Learge and hefty timber of Black walnut Sugar tree Magnolia poplar Buck eye oak & Hickory and chesnut & Spruce pine in some places clover Straberrys & Blue Grass are natureal to grow every where Cranberrys also in great plenty As that country has always been planty of game the first settlers who lived here for the purpose of Hunting where much oppressed by the Indians in particular by the Shawnees[8] & cherokees[9] untill the end of Late war since they have made no incrusion into these settlments The main Water courses are New River[10] on the Head of the Great Canaway & its auxilerey Branches flowing from the Blue Ridge Stone Mt & Iron Mt[11] The country abounds with mines & minerals those chiefly worked are Iron & Salt Petre there are at present five sits of good Iron works within the county of Ashe[12] Great Store of mine have lately been found there which is thought to contain Great quaintety of Silver and Lead.[13] The people of Ashe County Send to market Cattlee Sheep Butter Cheese Tallow Bees wax vinison hams Deerskins & ginseng to the amt of upwards of Thirty Thousands Dollars yearly

People in that county improve more in Religion then the Sudy of the

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[7] The United States census reports show that there was not a single individual of 100 years of age or upward in Ashe County in 1840, 1850, or 1860.

[8] Early in the eighteenth century, a division of the Shawnee Indian tribe, of Algonquian stock, lived on the Cumberland River, which was designated as the River of the Shawnee on old maps prior to 1770. About the middle of the century, the Shawnee tribe was reunited in the Ohio River region, where, until the treaty of Greenville in 1795, it was almost constantly at war with the English or the Americans. After the Revolution, many of these Indians joined the Cherokees and Creeks in the South. F. W. Hodge, *Handbook of American Indians*, II, 530-536.

[9] The Cherokee was a powerful detached tribe of the Iroquoian family living in the mountain region of the South. From 1759 to 1794, members of this tribe were almost constantly at war with the English and later with the Americans. F. W. Hodge, *op. cit.*, I, 245-248. In 1776, Virginia, North Carolina, South Carolina, and Georgia laid waste part of the Cherokee country; and in 1777, at Long Island in the Holston, a treaty was concluded with the Middle and Upper Cherokee by which they ceded all their country east of the Blue Ridge, and on the Watauga, Nolichucky, Upper Holston and New rivers. R. D. W. Connor, *Colonial-Revolutionary Periods*, 406-407.

[10] New River traversed the county in a northeasterly direction, flowing into the Great Kanawha, a tributary of the Ohio. The Watauga was also an important water course in Ashe County.

[11] The Blue Ridge extended along the eastern and the Stone and Iron Mountains along the western boundary of Ashe County, J. P. Arthur, *op. cit.*, 37.

[12] There are three main belts of magnetic iron ore in Ashe County: The Ballou or river belt on the North Folk of New River; the Red Hill or Poison Branch belt extending from the northeastern corner of the county in a southwesterly direction for several miles; and the titaniferous belt in the northwestern part of the county. H. B. C. Nitze, *Iron Ores of North Carolina*, 131-164; P. M. Hale, *In the Coal and Iron Counties of North Carolina*, 132-133; *North Carolina and its Resources*, 93-96; J. P. Arthur, *op. cit.*, chaps. 24 and 25. It is not known when the manufacture of iron or saltpeter began in Ashe County nor are the five sites identifiable. Perhaps one was Harbard's Bloomery Forge near the mouth of Helton Creek, built in 1807. Before the Civil War, there were several Catalan forges in Ashe County engaged in smelting the ore into a tough iron. H. B. C. Nitze, *op. cit.*, 132. Just prior to and during the Revolution, there were legislative efforts to stimulate the manufacture of iron and saltpeter in the State. *C. R.*, VII, 898-903, 937-949, X, 216, 219.

[13] Later gold, silver, and copper were found in the southern part of the county on New River. *North Carolina and its Resources*, 86. Mineral production has never reached any substantial development in Ashe County. There was none reported by the State Geologist in 1925.

arts & Sicences but it is hoped more pains will soon be taken to improve youth in the one as will as the other[14]

I am Sir
With Sentiments
of due respect
Yours &c
T. McGimsey[15]

N. B The Lands in Ashe county sell from five Dollars to five Cents an Acre

Mr. T. Henderson
Raleigh
N° Carolina

CASWELL COUNTY[1]

By BARTLETT YANCY

In Caswell, the face of the Country is generally hilly: there is however some valuable low-land upon the water courses,[2] that lies well; Some valuable level land, likewise is to be found, not immediately on any water course. The Country line—land, so called from a creek, of that name, which empties into Dan-River, near where the counties of Caswell and Person join the Virginia line, is generally esteemed, of the first quality in the County; Its greatest objection is, that the land adjacent to the creek, is so hilly, that without great care in the Cultivator, much of it is worn out and washed away in the course of 10 or 12 years cultivation:

The Dan-River low-grounds are very fertile, and amply repay the farmer annually for his toil; but the adjacent ridges are hilly, and still more apt, to wash than the land on Country-line: Most in point of Value and fertility is considered the land on Hico. A Water course called Moon's Creek, has some valuable low-lands on it, but is objectionable on account of being marshy:

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[14] Ashe County, with an area of perhaps 800 square miles, was substantially a frontier region in 1811. Its total population in 1800 was 2,783; in 1810, 3,694; and in 1820, 4,335. In these same census years, the slave population was only 85, 147, and 250, respectively. *Ninth Census,* I, 52-54. In 1823, no resident practicing attorney, notary public, physician, academy, or newspaper was reported for the county. *The North Carolina Register and United States Calendar for the year of our Lord, 1823,* 45, 49, 55, 61, 87.

[15] This is probably Thomas McGimsey, who was appointed clerk and master of the Superior Court, March term, 1807, and resigned at the September term. J. P. Arthur, *op. cit.,* 159. At the County Court of Pleas and Quarter sessions, November term, 1807, he resigned as attorney for the county on behalf of the State. Ashe County Court Minutes, Wills and Inventories, 1806-1866, North Carolina Historical Commission MSS.

[1] This sketch of Caswell County, though not Yancy's letter at the end, was published in the *North Carolina University Magazine,* X, No. 4 (November, 1860), 216-224; and also in *Our Living and Our Dead,* I (September, 1874), 60-64. Great liberties were taken in the matters of capitalization, punctuation, spelling, and paragraphing.

[2] The Dan River bends southward from Virginia to flow across about 10 miles of the northern part of Caswell County. The county is traversed in a northeasterly direction by a number of parallel tributaries of the Dan. These creeks or streams, named in order of their location from west to east, are: Hogan's, Moon, Rattlesnake, Country Line (sometimes noted on maps as County Line), and Hico (spelled variously on old maps: Hiccotee, Hycootee, Hycote, Hycoot, Hyco). W. E. Hearn and F. P. Drane, *Soil Survey of Caswell County, North Carolina.*

The growth on Country-line land, is pine, all kinds of Oaks, hickory, dog-wood sower wood,[3] Black gum, Black-Walnut, white-walnut, ashe, Beech, birch Sassafras and a variety of other vegetable productions: nearly the same growth on the other water courses, except not so much pine: The water in Caswell [is as] good perhaps as any other County in the State:

As to the Value of land, as much depends on the Situation of it, as the fertility: la[nd] in the neighbourhood of the Court House, and indeed most of the handsome situations on the main road,[4] sells for as much, as a tract on Dan-River: The Value of land therefore depends much on the neighbourhood it is situated in; the general price of good land, is from $5, to 10 p acre: Agreeable Situations and tolera[ble] good land may be had, from $3. to $5. an Acre:

This County was first Settled about the year 1750;[5] from that time, until 1754 or 5, there were about 8 or 10 families in that part of the County, now known by the name of Caswell: A family by the name of Reynolds, and two others by the name of D[torn] and Barkston were among the first Settlers; not one of the family are now in County, and it is believed not one of their descendants:[6] The Lea's, Graves', Peterson, & Kimbro' came to this County about 1753, 54 & 55: they came from Orange and Culpepper in Virginia: Several hundred of these families and their descendants are now living in the County:

The object of the first Settlers, was to possess themselves of fertile land, and good pastures I am told by the first Settlers, that cane was so plenty, at that time, that their cattle were fat all the winter without feeding:

No extraordinary occurrences took place in this county during the Revolution: No regular fought battle: there were some skirmishes with the "*Tories*,"[7] a number of whom were killed: Cornwallis passed through this county in his pursuit of Gen[l]. Green, some little time before the Guilford battle: but little injury was done to the inhabitants, when compared with the general destruction, they spread in other parts of the United States.

Dan River runs through a Small part of Caswell, and about 12 or 15 families, live on the North side of the River in the County. We have no lakes, bays, harbors, canals, mountains, cataracs, Islands, nor Swamps,: The Roads in Caswell are very good, for the back-country: they have been much improved lately: Scarcely a County in the State perhaps has

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[3] Sourwood, sometimes called the sorrel tree.

[4] Caswell Court House was near the centre of the county on the road from Norfolk through Halifax, Warrenton, Oxford, Danbury, Statesville, Morganton, and Asheville.

[5] In 1750, the region was a part of Granville County. In 1753 it became a part of Orange County, from which Caswell was cut off in 1777. *S. R.*, XXIV, 24-26.

[6] The list of tax payers in Caswell County in 1790 does not contain the name of Barkston, and Reynolds appears only once. *S. R.*, XXVI, 1249-1264.

[7] In the early part of the war, the Tories embodied at various times in Chatham, Guilford, and Orange counties. Caswell was not cut off from Orange until 1777. *S. R.*, XXII, 923.

better bridges, and more of them than the little county of Caswell: Over every water course of any size, there is a bridge, and over Some 2 or 3.:

As to mines, there is not at present as much noise about "the Silver Mine", as was about 2 years ago: at that time a Rascal by the name of Charles Stewart, induced a citizen of the county to believe, he possessed an immensely valuable Silver Mine: experiments were made by Stewart in the presence of men of respectability and intelligence, And they were induced to believe there was mental in the Ore: fifty dollars was then advanced to Stewart for the purpose of procuring materials to extract the metal; he pretended to go in Search of these materials, but instead of procuring them, he was shortly after confined in jail for his crimes: Experiments have since been made of this Ore, at Richmond, Washington city, and Philadelphia, and I am informed it is said, to contain a little Iron, but not worth the attention of the Owner:

There is but one mineral Spring[8] that I know of in the county: This is on a farm belonging to Capt: Tho: Graves,[9] about five miles from the Co. House: I have drank of this Water, and think with care it would be as good as any I ever saw:

Indian Corn, wheat, Rye, Oats, Cotton, tobacco and flax, are raised in great abundance. Our Staple Commodities are, tobacco, Cotton, and of late flour: We generally send our produce to Petersburgh or Richmond:

The Inhabitants of the County are generally in easy circumstances; there is a greater equality of property than in most Counties: About 10: or 12 gentlemen, however, have a very considerable property; & of that number, there are only two, whose imminse wealth and possessions work an injury to their neighbours:[10]

The County has 2 towns: Leasburgh,[11] formerly the Court House, when Caswell and Person formed one County;[12] it has one Store, a grocery Shop, a Sadler's shop, and a Cabinet-maker's Shop, with about

[8] This was probably the Parks Spring, about six miles east of the present town of Pelham. The water has an extensive use in the surrounding country. It flows about one-half gallon per minute, is cool, clear, and palatable, leaving a slightly bitter after taste. Joseph Hyde Pratt, *The Mining Industry in North Carolina during 1907 with Special Report on the Mineral Waters*, p. 99.

[9] Thomas Graves was one of the large and influential Graves connection in Caswell County. In 1809 he listed for taxation 431 2-3 acres of land and three black polls in the Richmond district of the county. Caswell County Tax Lists, 1809, North Carolina Historical Commission MSS.; J. G. deR. Hamilton, *The Papers of Thomas Ruffin*, II, 4.

[10] In the Richmond district for which the tax list of 1809 is available, there were only 16 out of approximately 325 tax payers who owned as much as 1,000 acres of land. The largest landowners were: Roger Atkinson, 1,785 acres; Jesse Castor, 5,426 acres; S. D. Farley, 2,120 acres; Solomon Graves, 1,900 acres; John Graves, 2,849 acres; Thomas Jaffers, 2,175 acres. The average landholding was approximately 240 acres. In 1810, the population of Caswell was as follows: 7,368 white, 90 free colored, and 4,299 slave. The growth of slave population in Caswell was rapid after 1800, rising from 2,788 in that year to 5,417 in 1820, 6,434 in 1830, 7,024 in 1840, 7,770 in 1850, and 9,355 in 1860. The white population rose slowly from 5,887 in 1800 to 8,399 in 1830, then declining gradually to 6,587 in 1860. In 1810, Caswell was in the early stages of transition from the farming to the plantation regime. *Ninth Census*, I, 52-54.

[11] In 1788, Leasburg was incorporated. William Lea and Nicholas Delone who had laid off and sold 100 acres in 62 lots, and Thomas Neely, Lloyd Vanhook, Gabriel Lea, Samuel Johnston, and John McFarlin were appointed trustees. *S. R.*, XXIV, 992-993.

[12] *Laws of North Carolina, 1790*, chap. 53, provided for the separation of Person from Caswell, to be effective February 1, 1791.

10 or 12 Houses: Milton[13] is Situated in the fork of Country-line and Dan-River: it has 2 stores, a Saddler's Shop, a Hatter's Shop, a tavern with about 15 or 20 houses: Caswell Co. House is not an incorporated town, the whole of the possessions there belong to Capt. John Graves[14] and his Sons: it has 2 taverns, a Store, a Hatter's Shop with about 15 houses:

It is Supposed that at least nine-tenths of the inhabitants are agriculturists: great improvements have been made in agriculture within ten years past. Of useful domestic animals, it may be observed, that few Counties have more useful, elegant horses: they are from the Stock of Diomad, True-Blue, Dion, Magic, & Bryan Olyn; there are valuable horses from Old Celer, and Nonperille:[15] Almost every farmer has a yoke of Oxen:

The Inhabitants of Caswell, are following the example of the Western Counties in erecting distilleries: There are I suppose upwards of fifty, the greater part of which have been erected within a few years: Some of them are useful to the owner and the Country, but most of them are nuisances to society, being the resort of idle, dissipated Men, who by their visits to such places, bring on ruin to themselves and their families: I know of nothing which has so great a tendency to demoralize Society, except it be the late practice of electioneering by drenching the people with grog, and with falsehoods:

Our fisheries are mostly on Dan-River: the fish are general Shad, and round fish: but they are not more than half as Valuable as they

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[13] In 1796, Archibald D. Murphey, William Rainey, Thomas Jeffry, Archibald Samuel, and James Sanders were appointed to lay off 30 acres of the land of Asa Thomas at or near Thomas' Mill, which, when laid off, should be the town of Milton. When houses should be erected for the storing of tobacco and flour, the county was authorized to appoint two inspectors. *Laws of North Carolina, 1796*, chap. 48. In the prosperous period after the close of the War of 1812, when the State was enthusiastic over Murphey's internal improvement program, Milton experienced a brief boom period, which, however, was quickly deflated during the panic of 1819. In 1817-18, speculation raged in Milton. Lots on Main Street brought nearly $100 per front foot, and soon there was established a bank (an agency of the Bank of New Bern) and a newspaper, *The Milton Gazette*. W. H. Hoyt, *The Papers of Archibald D. Murphey*, I, 107, 134; *The North Carolina Register, 1823*, 83, 87.

[14] John Graves was a member of the Conventions of 1788 and 1789 and of the House of Commons, 1788, 1790, 1791, and 1792. The tax list of 1809 shows that John Graves, Sr., listed for taxation 2,849 acres and 14 black polls. *North Carolina Manual, 1913*, 541, 542, 871; Caswell County Tax Lists, 1809.

[15] In the early spring of each year the newspapers of the State carried numerous advertisements of stud horses, in many cases the pedigree and performance being set forth in great detail. The horses named here with the exception of Nonpariel, are frequently advertised between 1799 and 1810.

Diomed was of chestnut color, imported from England where he was a well known racer, nearly 16 hands high, and of good pedigree. He was offered for service in 1799 by T. C. Bunbury, Chesterfield County, Virginia. *North Carolina Journal* (Halifax), March 4, 1799.

True Blue, imported from England in 1803 by Governor Turner, was a bay with star in forehead, five feet three inches high, and of good pedigree. In 1805, he was eight years old and had won 12 out of 19 races. He was offered for service at the stable of Solomon Graves, near Caswell Court House. *Raleigh Register*, February 25, 1805.

Dion was imported from England in 1801, and for several years was for service in Rockingham and Person counties. *Raleigh Register*, April 2, 1804, December 13, 1804, April 13, 1809.

Magic was a chestnut horse imported for Governor Turner in 1802. He was available for several years in various parts of the State—in 1804 at the stable of Solomon Graves in Caswell County. *Raleigh Register*, April 2, 1804, March 11, 1805.

Bryan O'Lynn was a dark bay with star in forehead, five feet two and one-half inches high, and of good pedigree and performance. He had been sold at one time for 800 guineas. He was at the stable of Solomon Graves in Caswell County in 1806. *Raleigh Register*, March 12, 1804, March 31, 1806.

Celer was at the stable of Richard Ogilby, three miles below Red House, Caswell County, in 1801. *Raleigh Register*, March 31, 1801.

were 15 years ago: Of game we have but little; the greater part of the deer having been killed in an immensely large Snow that fell about 8 or 9 years ago: We have however a few deer and Some turkies:

The progress of society and civilization depends upon the education and Virtue of the people: great improvements therefore have been made since the first Settlement of this County: from 1750 to twenty five years after, it is computed, that no more than one third of the inhabitants could read, and Scarcely half that number could write a legible hand: from 1775 to 1800, what was then called a Common english education, viz, "to read, write, and cipher as far as the rule of three["] was given to a little more than half the Inhabitants: But from 1800, up to the present time, the progress of civilization And literature has been greater, than for perhaps fifty years Antecedent to that time: the great revival of religion about that period seems to have contributed much to the dissemination of morality, sound principles and good order in Society;[16] but as Naturalists have observed every calm is Succeeded by a Storm, And accordingly many of the inferior class of Society, appear now more depraved than ever:

For the progress of literature in the inferior branches of an education, Such as reading, Writing and Arithmetic, Since 1800, the people of this county are much indebted to M[r]. Robert H. Childers: greater improvement in writing could not have been expected from any man: At least One half of the youth of this County, who write well, were taught, either directly, or indirectly, by this excellent pensman:

The plan of Caswell Academy.[17] Situated within a quarter of a mile of the Co: Ho: is Caswell Acad[emy] was first Conceived and brought to public View in the [torn] of 1801: early in the Succeeding year between five and six hundred dollars were subscribed, and during that year 1803 it was completed for the reception of Students: The Rev[d]. Hugh Shaw, and Bartlett Yancy were the teachers for the 2 first years: the n[umber] of students were from 55 to 65 each year; from that period the institution was not in a very flourishing State, until 1808, Since which time, it has prospered much under the direction of M[r]. John W. Caldwell: a gentleman educated in Guilford by his father, the

[16] In the revival at the beginning of the century, James McGready, David Caldwell, Nash Legrand, and Carey Allen were ministers who helped to produce stirring effects in the north central part of the State. Legrand and Allen were young ministers from Virginia whose preaching stirred deeply the congregations along the Hico in Caswell County. W. H. Foote, *Sketches of North Carolina*, chap. 27.

[17] In 1802, the legislature incorporated Caswell Academy with Thomas Donoho, Solomon Graves, Jesse Carter, Alexander Murphey, David Mitchell, Richard Sampson, Marmaduke Williams, Michael Montgomery, John McAden, James Yancey, and Henry Atkinson as trustees. The building had already been erected and the academy was opened on January 1, 1803, under the direction of Rev. Hugh Shaw. Instruction was offered in reading, writing, arithmetic, Latin, Greek, geography, natural and moral philosophy, astronomy, etc. Tuition varied from $7 to $14, and board in private homes near the academy was advertised at $33 1-3 to $40 per annum. The enrollment for the first year was about 50 pupils. Shaw was retained in charge the second year, and Bartlett Yancy was employed as teacher. In 1805, Sanders Donoho was placed in charge. In 1806, the academy received a new director, James Bowles, and new equipment consisting of a pair of globes, a set of maps, and geometrical apparatus. In 1808, Joseph Caldwell was placed in charge of the academy whose rules and plan of education were modeled after those of the University. Caldwell continued as director in 1809, 1810, 1811, and 1812. C. L. Coon, ed., *North Carolina Schools and Academies, 1790-1840. A Documentary History*, 18-21.

Revd. Dr. David Caldwell,[18] well known in this State, for his Services in disseminating literature, morality and Religion among his fellow citizens. The funds of the Academy at present are low; it is now, and always have been dependant on the liberality of the Trustees of the Institution, and a few other public Spirited gentlemen of the County for a Support: No library of Consequence is yet established, a plan has however been Suggested and is now going into operation, by which it is hoped a good library will be procured in a few years: The number of students at present is 38:

Hico Academy[19] Situated near the Red-House in Caswell was erected, it is believed in 1804 by a number of public Spirited gentlemen in that part of the County: Mr. Shaw, after he left Caswell Academy became the teacher of this Academy for 2 or 3 years, during which time, it is believed, it had between 30 & 40 Students: it has since that time been on a decline, And about the middle of last month it was consumed by fire: there had been a School taught in it this year, but no fire had been used in it for Several months previous to its being burnt: it is generally believed that Some Vile Incendiary put fire to it; for the purpose of consuming it: The Trustees have however determined to rebuild it of Brick, upon a more extended plan:

Since the establishment of these Institutions, the progress of Virtue and Science in the County, has exceeded the most flattering hopes of the friends of literature: The education, that has been acquired there by our youth, Seems to have benefited, not only its Votary; but to have imparted its blessings to all there around: the inhabitants generally are more enlightened: Men who thirty and forty years ago, were considered the best informed and most learned among us, are now Scarcely equal in point of information to a School boy of 15 years: The venerable fathers are however, almost to a man (those that are able), the Supporters of Seminaries of learning; they Seem to look forward with

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[18] David Caldwell was born in Pennsylvania in 1725, graduated from the College of New Jersey in 1761, taught school while preparing for the ministry, was licensed and given an appointment by the Presbytery of New Brunswick in 1763, and in 1765 was appointed by the Synod to labor at least a year as a missionary in North Carolina. In 1766 he was in North Carolina; and in 1767 he was received as a member of the Presbytery of Hanover, and installed as pastor of the congregations of Buffalo and Alamance. He served as minister in Guilford County until 1820. In addition to his prominence in the religious life of the State, he practiced medicine and was a noted educator, not only teaching a classical school for many years, but serving as a trustee of Liberty Hall Academy at Charlotte. He sought to prevent the clash of arms between Tryon and the Regulators in 1771. He was hostile to England and interested in the public affairs of his adopted State. In 1788 he was a delegate to the Hillsboro Convention. His death occurred in 1824. *Biographical History of North Carolina,* I, 206-212; E. W. Caruthers, *A Sketch of the Life and Character of the Rev. David Caldwell.*

[19] Hico Academy, incorporated in 1804 under the trusteeship of John Ogilby, John McAden, Thomas J. Moore, Samuel Smith, James Rainey, Swepson Sims, and Herndon Haralson, was opened on January 1, 1806, under the direction of Rev. Hugh Shaw, with Rev. Thomas Cottrell as teacher, both of whom remained with the school in 1807 and 1808. Courses in Latin, Greek, geopraphy, philosophy, astronomy, history, Euclid's Elements, grammar, reading, writing, etc., were offered at tuition rates of from $7 to $16. In 1810 and 1811, attempts were made to raise funds by means of a lottery, for which permission had been secured from the legislature. Lottery tickets were offered for $3 each. The highest prize was $1,000, and the drawing was advertised to begin on August 15, 1811. Strong public appeal for help was made after the destruction of the building by fire in the summer of 1811. The old building was replaced by one of brick and wood construction in 1812. Mr. Abel Graham was director of the academy in 1812 and 1813. In 1813, the woodwork of the new building was destroyed by fire, but was soon replaced. The academy continued in charge of M. L. Holbrooks in 1814, John H. Hinton, 1817-19, Mablon Kenyon, A.M., 1820-1822. It was still in operation in 1834. C. L. Coon, *op. cit.,* 22-29.

pleasing anticipation to the Utility their Country will derive, from the cultivation of the minds of our youth: there are however Some designing demagogues; "Wolves in Sheeps cloathing", who because they can read a chapter in the Bible, (when it is in large print), and drag over a Congressional Circular (after a manner) think they have learning enough, wish to excite prejudices against the Institutions and their Students: but "*black-Sheep* are to be found in almost every flock":

Since the Commencement of the year 1804, this county has sent the following students to the University of this State; the foundation of whose education (except One) was laid at these Institutions: Viz. Sanders Donoho,[20] Bartlett Yancy,[21] Edward D. Jones,[22] James W. Brown,[23] Romulus M. Sanders,[24] David Hart,[25] and John W. Graves:[26] besides them, the following students, received the Rudiments of their education, at Caswell Academy; D[r]. Horace B. Satterwhite[27] now of Salisbury, William W. Williams[28] of Halifax, V[a]., Arch[d]. Haralson[29] of Person: Elijah Graves[30] of Granville: & James Miller[31] of Person.

Caswell is not distinguished for men of talents: We have no men of the first rate talents; but a great number entitled to the rank of mediocrity, and some above it, These are all natives for we have no *Spumy*[32] Irishmen, revolutionizing Frenchmen, nor *Speculating* Scotchmen among us.

In this county there are five practicing Physicians: D[r]. John McAden,[33] D[r]. William S. Webb,[34] D[r]. Samuel Dabney, D[r]. James Smith and D[r]. Edward Foulks: Of the profession of the law, men residing in the county

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[20] No information has been found concerning Sanders Donoho except that he was in charge of Caswell Academy in 1805.

[21] Bartlett Yancy, 1785-1828, was a teacher in Caswell Academy, 1802-1803; a student in the University, 1804-1806; studied law with Archibald D. Murhpey in Orange County, and practiced in Caswell County; member of the House of Representatives of the United States Congress, 1813-1817; member and speaker of the state Senate at each of the annual sessions of the legislature, 1817-1827; and prominent in the management of William H. Crawford's presidential campaign in North Carolina in 1824. *Raleigh Register,* December 26, 1823; *Biographical History of North Carolina,* VII, 502-507; *Alumni History of the University of North Carolina,* 700; *North Carolina Manual, 1913,* 465-467, 543, 544, 919, 920.

[22] A student at the University in 1807. *Alumni History,* 327.

[23] A student at the University in 1808. *Ibid.,* 77.

[24] Romulus M. Saunders, 1791-1867, was educated at Hico and Caswell academies and the University of North Carolina, 1809-1811; studied law in Tennessee under Hugh Lawson White and returned to Caswell County in 1812 for its practice; member of the House of Commons from Caswell, 1815, 1818, 1819, 1820, and of the state Senate, 1816; attorney general, 1828-1835; judge of the superior court, 1835-1840; member of the House of Representatives of the United States Congress, 1821-1827, 1841-1845; United States minister to Spain, 1846-1850; and member of the House of Commons from Wake County, 1850, 1852. *Biographical History of North Carolina,* III, 386-393; *North Carolina Manual, 1913,* 444, 448, 543, 831, 923, 924, 930, 931.

[25] A student at the University in 1809. *Alumni History,* 262.

[26] John W. Graves, 1792-1846, an A.B. graduate of the University in 1814. *Alumni History,* 231.

[27] A student at the University in 1805. *Alumni History,* 545.

[28] A student at the University in 1809. *Alumni History,* 678.

[29] Archibald Haralson, 1792-1840, son of Capt. Herndon Haralson and nephew of Archibald D. Murphey, attended the University, 1808-1811, and later Princeton. He practiced law first at Hillsboro, then in Chatham County, and in 1820 moved to Louisiana. W. H. Hoyt, *op. cit.,* I, 24-25, 30, 53-55, 177, 220.

[30] Elijah Graves, 1791-1869, student at the University in 1809, and later a minister in Granville County. *Alumni History,* 231.

[31] A student at the University in 1809. *Ibid.,* 429.

[32] Of a frothy character.

[33] John McAden, 1765-1845, was the son of Rev. Hugh McAden. He was a member of the House of Commons in 1801, 1802, and 1803. He married Elizabeth, a sister of Archibald D. Murphey. W. H. Hoyt, *op. cit.,* I, 172.

[34] William S. Webb, 1778-1866, an A.B. graduate of the University in 1799. *Alumni History,* 654.

are the following gentlemen: Bartlett Yancy,[35] Edward D. Jones[36] and Solomon Graves Junr.;[37] the order in which each professional character is named denotes the priority of time, in which they commenced the practice of their profession:

There are two Societies in the County Constituted for intellectual improvement: One at Caswell Academy and another at the tavern of Jethro Brown[38] esq: these exercises are mostly polemical.

We have no public library in the county:

About 2 years ago Several gentlemen of Caswell and Person had formed themselves into a Society for the encouragement of the arts and agriculture; but that Spirit of emulation and national pride, which then characterized all, seems now to be possessed by a few only; little has been done of the Progress and promotion of this Society as yet.[39]

The Religion of the inhabitants may be best estimated by the number of Churches and Communicants: there are 4 Baptist Churches & about 300 Communicants: 4 Presbyterian Congregations and about 200 or 250 Communicants: 3 or 4 Methodist Societies and about 250 or 300 Communicants:

Caswell is a very healthy part of the Country: the common diseases of the inhabitants are Nervous and Billious fever: the remedy for the most part, is Stimulents, purgatives; the Composition of which is best known to the Physicians:

The Amusements of the polite part of Society consists in Balls, tea parties, and visiting parties: those of an inferior class consists of Saturday-night frolicks, now become almost obselete;: Shooting Matches and Horse racing, afford amusement to the better Sort of men, and now and then may be seen a party with an Old rusty *pack* of *cards, amusing* for whisky: The Only Sporting Club in the County is the "*Jocky Club*" of the Caswell Turf:[40]

Caswell: 11th Augt: 1810.

Dear Sir:

I have herewith sent you, a Concise description of the particulars respecting which information was required, by your letter of March 30th 1810, which I had not the pleasure of receiving before the last of July:

An earlier reception of it would have given me a better opportunity of making myself well acquainted with the particulars of which you Sought information, but having received it at a time when my fall cir-

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[35] *Supra*, note 21.
[36] *Supra*, note 22.
[37] Son of Solomon Graves, Sr., who was a member of the House of Commons, 1795, 1796, and 1797, and a large landowner in Caswell County. *North Carolina Manual, 1913*, 542.
[38] Jethro Brown was the father of Bedford Brown who had a distinguished political career in the State. W. H. Hoyt, *op. cit.*, I, 43.
[39] No record of its incorporation by the legislature before 1811 has been found. However, in 1823 the Caswell County Agricultural Society was listed among those in existence in the State. *North Carolina Register*, 100.
[40] A brief account has been found of the Caswell races held November 13-15, 1804. *Raleigh Register*, November 22, 1804.

cuit was just about to Commence, I had but this alternative, of giving you the information I then possessed in an abstract manner, or delay my answer to your request until the Winter; the former I thought best adapted to your purposes and therefore framed the fragment which I now transmit you:

I have thought for a twelve-month past that Some Strictures upon the late and fashionable mode of electioning, might be of Service to the good people of this State, and have hoped and expected to have Seen published in your papers Something on that Subject; but not a word has been sa[id] it is probable that during the winter when the mind of the public is cool and calm Something of this Sort may appear: I should indeed wish to see Some writer undertake the Subject, who is able to do it Justice.

Accept of my wishes for your promotion and prosperity, and any th[ing] I can do for you in this part of the State, shall be cheerfully [torn].

Yours mo. respectfully

B. Yancy[41]

It is hoped and expected, that you will exercise your discretion, to co[r-rect]ing errors, and making abridgements: the description was thrown together [in] haste, and has not been attempted to be corrected.

Yours,

B. Y.

Messrs. Thomas Henderson & Co.
Editors of the Star,
Raleigh,
N° C
To the care of
Rich[d] Henderson esq.

DUPLIN COUNTY

By WILLIAM DICKSON

Particulars Respecting Duplin County of which Information is Requested by the Editors of the

Star.

Duplin County and Sampson County was formerly apart of New

[41] *Supra*, note 21. In nearly all secondary works, the spelling is "Yancey"; and the same form was used by many of his contemporaries and relatives. An examination of the manuscript laws signed by Yancy while he was speaker of the Senate, from 1817 to 1827, shows that he usually spelled it "Yancy," though in the earlier years he occasionally inserted the "e."

Hanover County, and about the year 1750[1] was divided from New Hanover by a line Runing from the N°. East River at the Mouth of Rockfish, through Holly Shelter Pocoson, due East to Onslow County line. And from the Mouth of said Rockfish Creek up the Meanders thereof to the head, thence a line Crossing Black River at the Mouth of Clear River, and thence continuing on due West to South River and up South River, the Meanders thereof to Black Mingo and up Black Mingo to the head. All to the North of said Creek and lines was formed into a County by the Name of Duplin, this County then Contained all the Waters runing into the N°. East River on either side from the Mouth of Rockfish up to the head thereof. The Principal Water Courses, were the N°. East, Goshen, The Grove, Rockfish, Maxwell, Muddy Creek, and Limestone, all which form considerable large Swamps.—The Western part of the County then contained the Water Courses Runing into Black River on either side from the Mouth of Clear River up to the heads, and all the Waters Runing into South River on the East side up &c. their Principal Streams were the Six Runs, Great Cohera, little Cohera, and South River, all which form Considerable large Swamps.[2]—

The South and South West limits of this County are about from 35 to 40 Miles from the Sea. The North & North West limits are about from 80 to 90 Miles from the Sea.

1st. The face of the Country is generally level, except near the large Water Courses, the ground is uneven & broken with small water Courses, but with Easy Riseings and declivities. The forrest growth there is generally Oak, Hickory, Dogwood, wild Grape vine Persimmon with a Mixture of Pine, and Shrubs.

The low grounds on these water Courses are either Swamp or Marsh. The Natural growth of the Swamps, are, Gum, Ash, Water Oak, White Oak, Cypress, Poplar, Elm, & Maple, and a Variety of Shrubs,—Beach and Birch and Juniper are found in some parts of the County but it is scarce. Black Walnut, Wild Cherry, Mulberry Chesnut & Hazle and Sycomore, are no where found but where they are planted.

The Swamp lands are proper for Rice but very little of it is Cultivated. The Soile of the High lands is generally light on the Surface, the foundation Clay, sometimes mixed with gravel or small white flint

[1] In 1749 Duplin County was formed from the territory of New Hanover lying north of a "Line beginning at the mouth of Rock Fish Creek, on the North-East River of Cape-Fear, running East to Onslow County, and Westward, by a Straight line from the Mouth of the said Creek, to the Upper Forks of Black River, where Cohecry and the Six Runs meet, thence up Cohecry to the Head thereof." By this act, the same territory was erected into St. Gabriel Parish. John Sampson and Henry Hyrne were directed to run the line. The justices of the peace were ordered to hold their first court at the house of William McKee at Goshen, at which court they should select a site for the court house, prison, and stocks. John Sampson, William McKee, Geo. Meares, Francis Brice, Wm. Houston, Joseph Williams, John Herring, Anthony Cox, Mark Phillips, John Turner, Thomas Suggs, and Charles Gavin were appointed vestrymen of the parish. *S. R.*, XXIII, 342-343.

[2] The North East River traversed the eastern part of the county in a southerly direction, flowing into the Cape Fear just above Wilmington. Its chief tributaries on the west are Rock Fish Creek, Goshen, Grove, and Maxwell; and on the east, Muddy and Limestone. Black River traversed the western part of the county in a southerly direction, flowing into South River which joins the Cape Fear a few miles above Wilmington. The Great and Little Cohera join to make Black River. Cohera is spelled variously in the records: Cohecry, Cohary, Cohera. A. S. Root and L. A. Hurst, *Soil Survey of Duplin County, North Carolina.*

stone. The Soile of these lands are proper for the Culture of Indian Corn, Pease, Potatoes, and Cotton, Also Wheat, Rye, & Oates, all which it will produce without Manure. Apple and Peach orchards thrive well while young, but are not dureable.

These lands are of various Classes, and they are Estimated in value, according to their quality and local Situation in their Natural, Forrest State, they are now estimated at $3.p. Acre, and upwards as high as $10. p. Acre.

The level lands or middle grounds may be Computed at about three fourths of the County, the Growth generally Pine and blackjack. it may be divided into three—Classes or qualities, to wit, Sandy lands, Stiff lands, and Savannahs,—These are divesified with innumerable small Pocosons, Commonly called ponds, the growth of which are Pine, Water Oak, Maple, Gum, Bay, with a variety of Shrubs, of which the most noted is the Huckleberry, which Produces a delicious fruit.

The Savannah lands make good Pasture, Produceing grass abundantly, but scarce of Water in Summer. The Stiff Piney lands where Cultivated, with a light Manure will Produce, very well every Species of Crop that is Raised on the Oakey lands. Those lands which lie Remote from water Courses, are esteemed to be of little value only for Range.—Those lying near and Convenient to Navigable Streams, produce Naval Stores, Pitch, Tar, Turpentine, and Sawed lumber.

These lands are Estimated in value, according to their local Situation; Those convenient to Navigation and well coated with Timber or lightwood are worth from $1. to $2. p. Acre, Those lying Remote from Navigation may frequently be purchased for 50 Cents p. Acre.

The uper parts of Duplin and Sampson Counties are generally Esteemed to be Healthy. the Water made use of whether Springs or Wells is generally Sweet and wholesom. The lower parts of the Counties being more flat, and abound in Savannahs, the Water is not so pure and wholesom.—

2^{d}. About the year 1736 this part of the Country, (then the uper part of New Hanover County) was first Setled by Emigrants from the North of Ireland and some Dutch from Switzerland;— Henry McCulloh Esq. of London, having purchased a Tract of land from the Crown, Containing 71,160 Acres lying in the uper part of New Hanover County, between the N^{o}. East branch of Cape fear River and Black River. Encouraged a Number of Irish and Dutch to come over from Europe to Settle his lands,[3] with a promise of certain Conditions to give them Titles

[3] Henry McCulloch, a merchant of London, in association with Arthur Dobbs and others, received grants in 1735 for 60,000 acres on Black River and subsequently grants for more than a million acres in the back country of North Carolina, subject to certain conditions as to settlement which were never carried out completely. The first settlement on the McCulloch lands was made in 1736 in Duplin County. The earliest settlers of Duplin were Scotch Irish and Swiss. In 1762, McCulloch claimed that he was entitled to 71,160 acres in Duplin County. The McCulloch grants were the source of much dispute before the Revolution. Of these lands, 56,969 acres were confiscated during the Revolution and sold by the State for £10,275-11-10. *C. R.*, V, xxxii-xxxv, VI, 773; R. D. W. Connor, *Colonial-Revolutionary Periods*, 167; S. A. Ashe, *History of North Carolina*, I, 252-254; W. H. Foote, *Sketches of North Carolina*, 159; I. S. Harrell, "North Carolina Loyalists," *The North Carolina Historical Review*, III, 589.

to certain Portions of it.—Their first Settlements were at Soracta[4] on the N°. East River, and at the lower end of Goshen, (then called Woodwards Chase,) And on the Grove, where Duplin Court House now Stands; About the same time, and soon after, a Number of families Emigrated from Roanoak, Meherrin,[5] and Elcewhere, and Setled on Cohera, Six Runs, Goshen, and N°. East.—The Country being then New; The Range fresh and luxuriant, and the Country abounding with wild Game, their Principal object then was Raising Stock and Hunting.—

At the first forming of this County, which then Included both Duplin and Sampson, it contained but about 360 white Poll Taxables, and very few Negroes. At the Commencement of the Revolutionary War it contained about 900, or 1000 White Poll Taxables very few of them were then Emigrants from Europe.[6]

History of the County.

Previous to the Revolution, at the time when the Stamp Duty was attempted to be enforced by Governor Tryon, (in North Carolina,)[7] most of the Respectability of the County turned out volunteers, Marched down to Wilmington with Capt. James Kenan,[8] and joined Col°. John Ashe,[9] to oppose the Enforcement of the Stamp Duty.

Afterwards when Governor Tryon Marched up the Country against the Insurgents, commonly called Regulators, None of the Inhabitants of Duplin County cou'd be prevailed upon to accompany him, or to Enlist

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[4] Soracte is encountered in the records as early as 1744. Henry McCulloch gave it as his North Carolina address. *C. R.*, IV, 686, 762, V, 772, 779.

[5] The Roanoke and Meherrin rivers flow from Virginia through northeastern North Carolina—the former into Albemarle Sound and the latter into Chowan River.

[6] In 1755, 628 taxables comprising 460 white men and 168 male and female blacks and mulattoes were reported. White taxables were reported as 848 in 1765, 883 in 1766, and 1,071 in 1767. *C. R.*, V, 320, 575, 603, VII, 145, 283, 289, 539, 540.

[7] The Stamp Act received the royal assent in March, 1765, and was to become operative November 1. Dr. William Houston of Duplin was appointed stamp master for North Carolina. On November 16, he was constrained to resign by one of the several protesting assemblages of people from the Cape Fear section which met in Wilmington in the fall of 1765. Early in 1766, the people of Onslow, Duplin, Bladen, Brunswick, and New Hanover met at Wilmington and entered into an association to prevent the operation of the Stamp Act. They seized Fort Johnston, compelled the release of two vessels seized and detained by British men-of-war because their clearance papers were not duly stamped, took the provincial officers from the residence of Governor Tryon and forced them to take an oath never to assist in the execution of the Stamp Act, and thus annulled the Stamp Act in North Carolina. S. A. Ashe, *History of North Carolina*, I, 312-324; *C. R.*, VII, 125, 169-174.

[8] James Kenan, of Duplin County, 1740-1810, played a prominent part in the history of his county and section, from the time of the Stamp Act until his death. He was a member of the House of Commons, 1773, 1773-1774; a delegate to the Provincial Congresses of August, 1774, August, 1775, and November, 1776; a delegate to the Conventions of 1788 and 1789; a member of the state Senate, 1777, 1778, 1779, 1781, 1782, 1783, 1787, 1788, 1790, 1791, 1793; and councilor of state, 1794-1795, 1805, 1808, 1809. He was a justice of the peace, member of the Safety Committees of Wilmington District and Duplin County, and participated actively in the military operations during the war. *Biographical History of North Carolina*, III, 241-247; *North Carolina Manual, 1913*, 363, 397, 398, 425, 428, 429, 592, 593, 877, 878.

[9] John Ashe, of New Hanover, 1720-1781, was prominent in the growing conflict with the royal governor, and leader in the resistance to the Stamp Act at Wilmington in 1765-1766. In 1771, he served as major-general in Tryon's expedition against the Regulators. He was a member of the House of Commons, 1746-1754, 1754-1760, 1761, 1762, 1764-1765, 1766-1768, 1769, 1770-1771, 1773, 1773-1774, 1775, and speaker, 1762, 1765; a member of the Provincial Congresses of August, 1774, April, 1775, August, 1775, April 1776, and November, 1776; treasurer of the Southern District, 1766-1773, 1777-1779, and of the Wilmington District, 1779-1782; and a member of the state Senate, 1778. In 1776, he was appointed by the Provincial Congress to command the militia of the Wilmington District. In 1779, he was in command of an expedition of North Carolina militia sent to the aid of General Lincoln in Georgia. *Biographical History of North Carolina*, IV, 36-52; *North Carolina Manual, 1913*, 332, 370, 371, 441-443, 720.

in that Service, only five or Six light Horse followed on afterwards and joined him at Alamance.[10]

Governor Tryon Imputed the Tardiness of Duplin County in this affair, to disaffection to the Kings Governm[t]. and on his Return, Authorized Col[o]. John Ashe, with his Militia troops to Tarry certain days in Duplin and cause the Inhabitants to take an Oath of Allegiance to the King, and issu'd orders to the Inhabitants to attend Col[o]. Ashe for that purpose,—The Inhabitants of Duplin County generally Resented this order as an Indignity offered them, it not being Required of the Inhabitants of any other County; very few of the Inhabitants attended Col[o]. Ashe for that purpose, he taried in Duplin only one day and Marched on homewards without executing the Governors order.

At the Commencement of the Revolution, the People in Duplin County were generally United, They formed Committees, Elected their Officers, Encouraged the Recruiting Service, trained the Militia in the Exercise of Arms, held frequent Meetings; Sent Delegates to the Conventions at Newbern, Hilsborough and Halifax.[11] A Number of Young men Enlisted in the Regular Army and Marched to the Northward under Capt[s]. Dan[l]. Williams[12] & Joseph T. Rhodes,[13] both of Duplin County, and no difficulty was experianced in Raiseing our quota of Militia men when Called for.—

At the time when Gen[l]. M[c].Donald[14] Embodied the Scotch Highlanders and Tories in the Vicinity of FayetteVills. (then Campbelton,)[15] the Duplin Militia almost Unanimously turned out, and were in Motion, about 300[16] Marched with Col[o]. Kenan[17] to Rockfish in the Vicinity of Camp-

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[10] Governor Tryon called for only 50 volunteers from Duplin County for the expedition. On May 15, the day before the battle of Alamance, the Duplin Light Horse were ordered to re-inforce the rear guard. On the 18th, the volunteers from Duplin were formed into a light troop of horse under the command of Major Clynton. On April 12, Tryon had written that "in my incursion to Wilmington I had the satisfaction to find the gentlemen and inhabitants of Cape-Fear unanimous and spirited in the cause, and the officers successful in recruiting." *C. R.*, VIII, 548, 584, 586, 697.

[11] James Kenan was Chairman of the Safety Committee of Duplin, and was in close touch with the Wilmington Committee. The delegates from Duplin to the various Provincial Congresses were as follows: New Bern, August, 1774—James Kenan, William Dickson; New Bern, April, 1775—Thomas Gray, Thomas Hicks; Hillsborough, August, 1775—James Kenan, William Dickson, Thomas Gray, Richard Clinton, Thomas Hicks; Halifax, April, 1776—Thomas Gray, William Dickson; and Halifax, November, 1776—James Kenan, Thomas Gray, William Taylor, James Gillespie. *C. R.*, IX, 1150-1151; *North Carolina Manual, 1913*, 397-398.

[12] Daniel Williams was a captain in the Sixth Regiment, North Carolina Troops in the Continental Line. He was commissioned, April 1, 1777. He was described by a private in the regiment as "a gentleman and the friend and protector of his soldiers." *North Carolina Troops in the Continental Line*, 9; *S. R.*, XI, 832.

[13] Joseph T. Rhodes was commissioned lieutenant in the Eighth North Carolina Regiment, Continental Line, November 28, 1776, and captain in the Tenth Regiment, August 1, 1777. He was a member of the House of Commons, 1785, 1786, 1787, 1791, 1793, 1794, and of the state Senate, 1796, 1797, 1798, 1805, 1806, 1807, 1808, and 1809. *North Carolina Troops in the Continental Line*, 12, 14; *C. R.*, X, 943; *S. R.*, XV, 786, XVI, 1150, XVIII, 486, XXII, 1049; *North Carolina Manual, 1913*, 593-594.

[14] Early in 1776, Donald McDonald, a Scotch Highlander of great influence and station among his people, was ordered to raise and organize troops in North Carolina for the King's service. The plan was to effect a junction of the Tories and British forces at Wilmington. He raised the King's standard at Cross Creek, and on February 18, at the head of about 1600 Highlanders, began the march toward Wilmington. R. D. W. Connor, *Colonial-Revolutionary Periods*, 384-385.

[15] Campbellton, near the mouth of Cross Creek, was established in 1762. In 1783, its name was changed to Fayetteville. *S. R.*, XXIII, 592, XXIV, 513.

[16] Col. James Moore reported the number as 200. S. A. Ashe, *History of North Carolina*, I, 511.

[17] James Kenan.

belton and there joined Gen[l]. Moore;[18]—At the same time two Companies of Minute men under Captains Clinton[19] and Love, Marched from Duplin to Moores Creek, and there joined Col[o]. Lillington,[20] when Col[os]. Caswell[21] and Lillington, Defeated and took Gen[l]. M[c].Donald Prisoner, and Dispersed the Scotch Highlanders.

After this when Col[o]. Abraham Sheppard was sent by the State of N[o]. Carolina, to the Aid of South Carolina,[22] he was joined by Capt. Gillespie[23] with a Company of Voluntiers from Duplin County, who performed a Tour of Duty in South Carolina.

Another Company of Voluntiers and Drafts, Marched from this County under Capt. Hubbard to South Carolina, and were in the Battle at Stonoe.[24]

Three Companies of Duplin Militia, Marched with Major John Tradwell[25] to Cambden, and were followed by a small Company of light Horse Voluntiers under Capt. William Routledge;[26] and were with Gen[l]. Gates when defeated near Cambden.[27]

Col[o]. James Kenan, with Captains Williams[28] & Molton[29] marched two Companies of light Horse to the Aid of South Carolina, and did a three Months Tour of Duty on Pee Dee River, joining the boundary line of this State.

Duplin County sent her Quota of Men to the aid of Georgia, who Marched there under Gen[l]. Ashe and were there with him when defeated at Brier Creek.[30]

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[18] Col. James Moore, 1737-1777, was in supreme command of the patriot campaign which culminated in the defeat of McDonald at the battle of Moore's Creek Bridge, February 27, 1776. He was promoted to brigadier-general, March 1, 1776. *Biographical History of North Carolina,* II, 298-301; S. A. Ashe, *History of North Carolina,* I, chap. 28.

[19] *C. R.,* X, 466-467.

[20] Alexander Lillington was appointed colonel of the minute men of Wilmington District in 1775, about 150 of whom he commanded at the battle of Moore's Creek Bridge. *Biographical History of North Carolina,* III, 261-268.

[21] Col. Richard Caswell commanded about 800 minute men of the New Bern District in the battle. *Biographical History of North Carolina,* III, 65-79.

[22] In the summer of 1776, North Carolina Continental troops went to the aid of South Carolina. On April 17, 1777, Sheppard was commissioned colonel, and placed in command of the Tenth Regiment of the North Carolina Continental Line. S. A. Ashe, *op. cit.,* 537-538, 575, 586; *North Carolina Troops in the Continental Line,* 14.

[23] Probably James Gillespie, of Duplin, delegate to the Provincial Congress at Halifax, November, 1776; secretary to Governor Martin; member of the House of Commons, 1779, 1780, 1783, 1784; member of the state Senate, 1784, 1785, 1786, 1789, 1792; delegate to the Conventions of 1788 and 1789; councilor of state, 1785, 1789, 1800; and member of the House of Representatives of the United States Congress, 1793-1799, and from 1803 until his death early in 1805. *S. R.,* XVII, 445; *North Carolina Manual, 1913,* 398, 423, 424, 427, 592, 593, 877, 878, 913-916.

[24] The battle of Stono, in the vicinity of Charleston, occurred on June 20, 1779. The Americans under General Lincoln attacked the British commanded by Colonel Maitland. The behavior of the North Carolina militia in this battle was praised by its commander, Gen. John Butler.. *S. R.,* XIV, 311-315.

[25] Major John Tradwell was a member of the court martial for the trial of Major Dennis at Beaufords Bridge, March 24, 1781. *S. R.,* XV, 431.

[26] William Rutledge was appointed by the Council of Safety, June 11, 1776, as an Ensign of the Wilmington brigade of militia. *C. R.,* X, 626.

[27] Gen. Horatio Gates was in command of the American cause in the South. On August 16, 1780, he was disastrously defeated by the British at Camden, S. C.

[28] *Supra,* note 12.

[29] Abraham Molton was captain of the Duplin militia in Col. Thomas Brown's battalion under command of Gen. John Ashe, in 1776. In 1781, he was a major. *C. R.,* X, 680; *S. R.* XV, 496, 499.

[30] The troops under the command of Gen. John Ashe were routed by the British at the battle of Briar Creek, above Savannah, March 3, 1779. S. A. Ashe, *op. cit.,* I, 596-598.

A Company of Duplin Militia under Capt. Bourden, Marched out to Uhara,[31] near the Yadkin, to Suppress the Torries in that place—While General Lillington was there, Major Craig[32] with a Body of Brittish troops took Possession of and Fortified Wilmington, Col°. James Kenan Marched down with about 350 of the Duplin Militia and Encamped at the long bridge 10 Miles above Wilmington, and was there joined by the Militia of New Hanover; Onslow, and Jones Counties; When Gen[l]. Lillington Marched down from Uhara, and took the Command;

When Earl Cornwallis Marched from Guilford Court House to Wilmington, Gen[l]. Lillington Retreated up the Country, and the Militia Tour of three Months being ended, the whole Militia was discharged at Kingston.[33]

Cornwallis at that time proceeded on his March from Wilmington to Virginia. He passed through Duplin unmolisted,[34] there being no Troops Embodied to Impede his March, or Harrass his Rear.—As he approached the Inhabitants of Duplin Retreated to places of Safity, Removeing their Stock, and such Property as they could out of the Enemies way; It was now the first week in May 1781.—

Cornwallis now by some considered to be Victorious and Pursueing his Rout unmolisted, the Tories and disaffected, (of which there were many in the Eastern and Western parts of the County,) began to take Courage and bid defiance, They in the Western part of the County formed a Camp in Cohera Swamp, in a Secret place; they declared for the King of England, took some young men who had been in the Service of the Country & Compelled them to take Parolls, (from them,)—Col°. Kenan being—informed of their Proceedings and where they had formed their Camp, Collected immediately about 12 or 15 Men, went in search of their Camp, thinking to Disperse them before they became formidable.—He found their Camp, some Shot were exchanged; In the beginning of the Skirmish Owen Kenan, Brother of the Colonel was killed, & both Parties Retreated.—The Tories finding they had lost nothing,—began to triumph and Exult, and encreaseing their Party, Embodied to about the Number of 120.—Formed their Camp on the West side of Cohera at the Bridge on the Fayette Ville Road, and there choose their leaders, Middleton Mobley & Biggars Mobley.—Col°. Kenan being informed of their Progress; sent out and was immediately joined by about 60 light Horse, with which he Encamped at M[r]. Clintons about 3 Miles in front of the Tory Camp, where he lay two days to watch their Motions. As soon as they found that Col°. Kenan was in their way and their March obstructed, they filed off in the Night, left the Road and Retreated through the woods, down black River: Col°. Kenan

[31] The Uwharie River (spelled Uahara, Uhwarrie, Uwarry, Huary, Uwharrie, Huwaree, Uahra, Uharee, Wharrie) is a tributary of the Yadkin. It flows southward through Randolph and Montgomery counties.

[32] Major James H. Craig occupied Wilmington early in 1781 and erected batteries on the hills to the north and south. About the end of February, 1781, Craig made an unsuccessful attempt to dislodge Lillington from his position at the Heron Bridge, ten miles up the North East River. S. A. Ashe, *op. cit.*, I, 655, 664.

[33] Kinston, the county seat of Lenoir.

[34] *S. R.*, XVII, 1020.

being informed the next day of their Retreat (by a Person whom they detained as a Prisoner, and found means to Escape from them in the Night,) He immediately Pursued with his small troop of Cavalry, and at day brake the next Morning, came up with them at Portevints Mill,[35] where they halted to Supply themselves with Meal; some Skirmishing ensued, the Tories Retreated into the low grounds of black River, where the Horse cou'd not with any probability of Success Pursue them. Col°. Kenan then determined to Ambuscade them at a certain place about three Miles ahead, but before got up to the intended place, discovered them ahead, they had quit the swamp and were Runing a Cross the woods;—The Horse Rushed upon them in full speed;—The Tories Posted themselves behind trees, and the Horse were immediately mixed amongst them;—a Confused fireing commenced, the Horse Retreated in order to load their Guns again, (they haveing but few Swords;) which gave the Tories another opportunity of gaining the Swamp; they again pursued, but without Success; The Tories made good their Retreat, got to Wilmington and joined the Brittish Troops under Major Craig.—In this days Skirmishing there were only two men of the Whigs, and four of the Tory Party, Slightly wounded; Three Horses were killed, and two others wounded.—The Tories bagage which was only their Provisions and their Baggage Horses were all taken;

At this time the Tories began to be troublesome in the Eastern parts of Duplin, and were joined by disaffected Persons from Dobbs, Onslow, and Jones Counties, which were frequently dispersed by Capt. Gillespie, who Collected some Voluntier light Horse, and Harrassed them continually, that he prevented them from making any Successful Incursions in the middle of the County.

About the latter end of July 1781. Col°. Kenan Embodied about 250 of the Duplin Militia at Rockfish Bridge, on the Wilmington Road to prevent any Brittish Parties from comeing into the County and Driveing off Stock &c. He was there joined by Major Griffin from Halifax with about 150 men;[36] At that time Major Craig determined to Visit Newbern, and March through Duplin on his way there;[37] Col°. Kenan had Notice of his Approach, and made such Preparation for Defence as he was able, by hastily throwing up a Slight breastwork; but inadequate to the Purpose intended; At the very Instant when Major Craig

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[35] A mill probably belonging to Samuel Portevints of New Hanover County. *C. R.*, X, 963.

[36] Kenan himself said that he was able to embody only 150 from Duplin, and that he was "reinforced by General Caswell with about 180" men. William Dickson, the author of this sketch of Duplin County, in a letter written to his cousin in 1784, stated that "at length we got collected about 400 men under Colonel Kenan in Duplin, and about 200 under Colonel Brown in Bladen, the adjacent county. Colonel Kenan's militia had not made a stand more than ten days where Major Craig marched his main force, with field forces, defeated and drove us out of our works, and made some of our men prisoners—The enemy stayed several days in Duplin County (this being the first week in August, 1781)." J. O. Carr, *The Dickson Letters*, 17; *S. R.*, XV, 593.

[37] Major Craig had issued a proclamation for the loyal subjects of the King in the East to hold themselves in readiness for the field by August. He then began a tour of the eastern counties. After routing Kenan's force in Duplin, he harried the county for several days, reached New Bern on August 19, moved then toward Kinston, and returned to Wilmington. *S. R.*, XV, 511; S. A. Ashe, *op. cit.*, I, 686-689.

made the Attack on our Breastwork with his Cannon we were attacked in the Rear by Capt. Gordon[38] with about 60 Horse, 10 of which were Brittish Dragoons, and two Companies of Infantry; They had made a Circuitous March through the woods, and were Close upon our Rear before discovered.—Confusion and dismay was the immediate Consequence. The Militia broke, and quit their Post before one half of them had discharged their Guns, Col°. Kenan and some of his officers made every Exertion they cou'd to Rally the men again but to no purpose. —Our Ammunition, Bagage, Provisions &c. fell into the Enemies hands; Eight or ten of our men were wounded and made Prisoners, (none were killed.) The Brittish had one man killed there.

Two days afterwards Craig Marched up to the Grove and Encamped at Col°. Routledges[39] House, lay there about three days, Collected some Cattle, destroyed some Crops of Corn Burned Capt. Gillespies[40] and Lieu[t]. Houstons Houses, and destroyed such of their Property as they cou'd not carry away; Then Marched on towards Newbern, commiting depredations and Enticeing Negroes to Desert their Masters and go with them. They were followed and Harrassed by some Militia from Duplin, Onslow and Dobbs Counties, Capt. Gordon of the Brittish Dragoons was Killed on the way by some of the Onslow men. This happened in the first week in August 1781.

Thus two Brittish Armies Marched through Duplin County in the Year 1781. and after they were gon, their trace was Scarcely perceiveable, the Inhabitants on their approach Retired out of their way, and as soon as they had passed by, Returned to their Houses, which they frequently found Plundered and their Stock driven off.

After this the Tories made frequent attempts to Embody both in the Western and Eastern parts of the County, but by the Executions of Col°. Kenan, Col°. Moore, Capt. Gillespie and other officers, they were as often dispersed with loss as they attempted to Collect together.

About the latter end of September 1781. The Tories were Collecting on Cohera. when Col°. Moore with Captains Williams,[41] Dodd,[42] and Miller, Collected some Militia, went out, in Search of their Camp, Surprised & dispersed them without Sustaining any loss in Col°. Moores Party four of the Tories were killed in that Action. They never made any Considerable head in Duplin afterwards.—

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[38] Captain Gordon was killed later. *S. R.*, XVI, 552.

[39] Thomas Routledge was selected by the Provincial Congress, September 9, 1775, as first major of the Duplin County minute men; and on April 22, 1776, as lieutenant colonel of the Duplin militia. He was selected as a member of the Committee of Safety for the Wilmington District, September 9, 1775. In 1805, he was chosen clerk of St. Gabriel's Parish. *C. R.*, X, 206, 215, 531; St. Gabriel's Parish Register, 1800-1816, North Carolina Historical Commission MSS.

[40] *Supra*, note 23.

[41] *Supra*, note 12.

[42] David Dodd of Duplin. In 1782, he was a member of the House of Commons. He lived in the portion of Duplin erected into Sampson County in 1784, and was appointed as one of the commissioners to run the boundary line. He represented Sampson in the House of Commons, 1784, 1785, 1787, was a commissioner to lay off the town of Lisburn in 1785, and sheriff in 1788. He was a delegate to the Convention of 1788. In 1787, he was chosen major of militia in the District of Fayette. *North Carolina Manual, 1913*, 592, 800, 899; *S. R.*, XVIII, 87, XX, 261, 270, 442, 455, XXI, 1078, XXIV, 642, 776.

The Spirit of the Tories was now broke, they generally came in and Surrendered themselves up to Government and complied with the Requisitions of the law by going into or finding a Substitute in the Army of the United States, and Middleton Mobley their leader being abandoned by all his deluded followers was obliged to leave the County, he was afterwards taken in Martin County and brot. back to Wilmington, tried, Condemned, and Executed.—

At the Battle, at the Eutaw Springs[43] in South Carolina Capt. Joseph Thomas Rhodes[44] from Duplin with a Company of about 40 Men mostly Raw Recruits raised in Duplin Behaved there with as much Personal Bravery and Intrepidity as any that were in that Engagement, they had joined the Army but a few days Previous to the action;—

When the line was formed for Action Capt. Rhodes had his Post assigned him on the main Road leading down Santee, towards the Springs; Genl. Green in Person observed to him, that he expected the Enemy wou'd endeavour to force our lines at that place, and if he cou'd maintain his Ground he might depend on being Reinforced in a very short time.—According to the Generals Expectation the Battle became Violent in that part of the line, and the promised Reinforcements never came till a very late stage of the Action, But the men under Capt. Rhodes's Command, behaved with the utmost order and bravery, and Sustained Considerable loss; the Reinforcements when they came up took the Ground on the left, where at that time the Enemy began to Retreat.—He then with the few men he had left, and the Remains of Captains Goodm[an's] and Porterfields[45] Companies, (the Captains being both killed.) advanced near the Brick House, and attacked the Brittish Artillery, and took Possession of Several field pieces, one of which they kept and brot. off, the others were Retaken by a Brittish Reinforcement of Superior Strength in Number.

Dureing the whole of this Action, which is said to be the hotest and most Bloody, for the Number of men Engaged, that has been fought dureing the Revolutionary War, the Men under Capt. Rhodes's Command, manifested such undaunted bravery as is Seldom Surpassed by old dissiplined Vitrons.—Dureing this Action Capt. Rhodes himself and thirteen of his men, only came of unhurt; the others being killed or wounded, and of those, that came off unhurt, only three of them but what had marks of a ball or a Bayonet.—

After the War Terminated.—In June 1784. The County of Duplin was divided by a line Runing from the head of Rockfish Creek, where the Road Crosses Bull tail branch, nearly North, Crossing Stewarts Creek at the Bridge and Turkey near the old Court House, and Goshen

[43] The battle of Eutaw Springs occurred on September 8, 1781.
[44] *Supra*, note 13.
[45] Captains Goodman and Porterfield of the North Carolina brigade were killed in the battle. In 1776, William Goodman replaced Roger Moore, resigned, as captain in the Fourth Regiment of the North Carolina troops in the Continental Line. *C. R.*, X, 942; *S. R.*, XV, 638.

at the Mouth of Youngs Swamp.[46] And all to the West of said line was Erected into a Separate County by the name of Sampson County. —By this division Duplin Contained the N°. East River, from the moth of Rockfish Creek to the heads of said River, with all the Waters & Creeks falling into it on either side.—And the County of Sampson Contained Black River from New Hanover County line up on both sides, with all the Waters falling into South River on the East side, with the Waters of the Six Runs, Great Cohera, little Cohera, and the head of Goshen.

3d. The N°. East River, which is the only River, now in Duplin County, is Navigable for Boats & small Rafts, from the Mouth of Rockfish Creek as high as the N°. East Bridge a Mile above the Mouth of Goshen, but that only in Winter or when the Waters is Raised by heavy Rains.—Goshen as well as the N°. East and Several other Creeks falling into it, form very large Extensive Swamps all which are Remarkable for the great quantyty of large Cyprus trees in them.—It is believed that the Swamps of N°. East and Goshen, can be so improved by opening and Clearing logs &c. out of their Runs, as to admit the passage of Boats and small Rafts, for several Miles higher up, but only when their Waters are raised by heavy Rains.—This woud be a desirable object particularly on Goshen, which is the most Pleasant, agreeable, and Fertile Portion of the County.

The Vicinity of the Grove, and near about the Court House, is also much Esteemed for Pleasant Situations fertility of Soile and Wealthy Inhabitants.

The County of Duplin abounds with good Roads through every part of it, leading to and from the Court House, with Bridges over the Water Courses, kept in Repair by the adjacent Inhabitants, there are only two Bridges in the County built at Public expence, that is the Bridge over the N°. East River at the Mouth of limestone Creek on the Road leading from Fayette Ville to Newbern, and the Bridge over Rockfish Creek on the Road leading from Wilmington to Duplin Court House.—there are no toll bridges in the County.

Lakes, Bays, Harbours, Cannals, Cateracts, Islands, Mines, Minerals, Medicinal Springs, and Curiosities, none discovered in the County worth notice.

4th. The Produce Raised for Market, in the lower parts of the County is Pitch, Tar, & Turpentine, and Sawed lumber and Staves.—In the uper parts of the County, Particularly on Goshen and its branches,

[46] In 1784, Sampson County was erected from the portion of Duplin lying west of "a line beginning on the line that divides Duplin from New Hanover county where the main road crosses Bultail, a branch of Rockfish Creek; and running thence a straight line to the town bridge on Stewart's creek, from thence a direct line to Goshen swamp at the mouth of Young's swamp, thence due-north to the Wayne line." Joseph Dickson, William Dickson, David Dodd, Edward Dickson, and William Taylor were appointed commissioners to run the line; and Thomas Hooks, John Whitehead, William Hubbard, Robert Southerland, Daniel Teachey, John Lanier, Edward Dickson, and Daniel Hicks, to select and purchase a site for a court house, prison, and stocks, and to employ workmen to construct them. *S. R.*, XXIV, 642-644.

where the lands are most fertile and Remote from Navigation; Pork, Bacon, Indian Corn, and Cotton, are the Articles mostly Raised for Market, and Conveyed in Carts and Waggons.

5th. The County being Remote from Navigation there is no trade in it, the general and Individual Wealth in it Rises from the Production of their lands and labour of their Negroes, none are very Rich.—[47]

6th. Soon after the division of Duplin County a Town was Established by Act of Assembly on the East side of the N°. East River about twenty Miles above the Mouth of Rockfish Creek by the name of Soracta.[48] lotts were laid off and sold, But it has never been improved, no Buildings have been Erected nor trade Established in it.

The first Inhabitants of Duplin and Sampson Counties, built and lived in log Cabbins, and as they became more Wealthy, some of them Built framed Clapboard Houses with Clay Chimneys, at Present there are many good Houses, well Constructed, with Brick Chimneys, and Glass lights, there are no Stone or Brick walled Houses, nor any that can be called Edifices in the County.— The greatest Number of the Citizens yet build in the old Stile.

7th. Agriculture, has Progressed but Slowly in Duplin, the Citizens have not yet adapted any Successful Method of Manureing their lands, the Method heretofore has been by Cowpening, but Stocks of Cattle are now Small very little is done in that way.—Some dig up and haul Manure from about their Houses, and put a small quantity in Each Corn hole, others dig up Swamp mud and lay it on in the same manner, and say they have been successful in that way of Manureing their lands, but the greatest number of our Citizens do not Manure any of their lands, But when they wear out and become Poor they Cut down and open fresh lands.

There has not been any considerable Improvement in the breed of Usefull Domestick Animals, except Horses, which have been considerably improved since the Revolution, some think they have improved their breed of Hogs by introduceing a larger kind, but they Require more feeding and Pasturage. Some have lately introduced Mules, but they are yet but few.

8th. No labour saving Machines have yet been Erected in Duplin County, except Saw and Grist Mills, and Cotton Picking Machines,[49]

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[47] The slave population of Duplin numbered 1,383 in 1790, 1,864 in 1800, 2,416 in 1810, 3,599 in 1820, and increased to 7,124 in 1860. The total population for the same years, respectively, was 5,662, 6,796, 7,863, 9,744, and 15,784. The free negroes numbered less than 100 in each census before 1830, increasing to 371 in 1860. *Ninth Census,* I, 52-54. In 1790, 232 out of 635 heads of families owned slaves. The largest slaveowner was Thomas Norment who owned 43. Forty-three heads of families owned ten or more slaves. James Kenan, John Hill, James Gillespie, William Dickson, Thomas Hill, and Geo. Morisey owned from 24 to 37 slaves each. *S. R.*, XXVI, 501-514.

[48] In 1786, a tract of 100 acres lying on the west side of North East River on lands of Dr. William Houston, was incorporated as the town of Sarecto. Charles Ward, John Hill, James Outlaw, Samuel Houston, David Murdough, George Miller, and John Matchel were appointed commissioners "for the further designing, building, and improving the said town." *S. R.*, XXIV, 846-847.

[49] Undoubtedly reference is to the cotton gin which "picked" the lint from the seed. In 1807, 15 gins of 370 saws were listed for taxation in the county. Duplin County List of Taxables, 1807, North Carolina Historical Commission MSS.

these are common in every part of the County where they have been wanted. no Successfull attempts have been made to Establish Breweries or Distilleries, some of the able farmers who have orchards keep a Still to make their Apple and Peach Brandy, but very few in Duplin make any more of it than for their family Consumption.

9th. There being no Navigation, there is no Commerce or trade carried on in Duplin except some small Country Stores, very few Boats are in Use Except Cannoes for Rafting, The Produce Raised in the uper parts of the County is carried to Market in Carts or Waggons.[50]

10th. There are no Fisheries in Duplin County and the wild Game of every Species is almost quite extinct.

11th. The first Inhabitants of this place were generally Rude and uncultivated in their Manners, but Sociallity and Civilization has progressed considerably in all Classes of our Citizens since the Revolution.—

12th. Soon after the Revolution an Academy[51] was Established in Duplin County by Act of Assembly and Trustees appointed, it had no other funds than the voluntary Subscriptions of Individuals, and the fees for Teaching, it has not been Constantly attended to, and at present is not in Use; Some young men have made Considerable Progress in the Latin language, but not being Sufficiently Supported, none have Received a finished Education, the last Teacher was the Revd. Samuel Stanford who was well approved, he continued it three years and an half with about 40 or 50 Students mostly small Children and not being Supported any longer has declined it.

This County contains many Citizens who are men of good Genious and Usefull members of Society, but does not boast of any who can claim a distinction for Superiority of Talents.—

13th. The only learned Professional Characters now is this County who have Received a Classical Education, are the Revd. Samuel Stanford[52] a Preacher of the Gospel and Doctors Levi Bordin and Stephen Graham,[53] both Phisicians and Surgeons, these are all Natives of this

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[50] Duplin was nearly equidistant from New Bern, Wilmington, and Fayetteville, and was connected to each of these towns by a road.

[51] In 1785, the legislature incorporated Grove Academy and appointed Thomas Routledge, James Kenan, Joseph Dickson, Thomas Gray, William Dickson, David Dodd, John James, Israel Bordeaux, and James Gillespie as trustees. A lot was purchased; and the building was begun in 1786 and finished in 1787. About Christmas of 1785, Rev. Alexander Patrick began the instruction of about 15 boys in the Grove neighborhood—"the first attempt that has ever been made to teach the languages in this part of the country." It was thought probable that Patrick would be employed as teacher in Grove Academy when it was completed. Grove Academy opened in November, 1786, with twenty-five students under "a master who teaches only the Latin and English grammar and the Latin and Greek languages." It did not flourish, because "the Genius of the people of this part of the country is not adapted to the study of learning and science." It was customary for the Presbyterian pastors to teach a classical school either at the Grove or near their own residence. In 1840, Grove Academy was being operated by Geo. W. Johnson "to fit young men for college, or to prepare them for the ordinary walks of life." J. O. Carr, *The Dickson Letters*, 29-31, 34; C. L. Coon, *op. cit.*, 75; *S. R.*, XXIV, 752-753; W. H. Foote, *op. cit.*, 177.

[52] Rev. Samuel Stanford became a member of the Orange Presbytery in 1795, visited the low country, succeeded Rev. John Robinson as pastor in Duplin County in 1800, and conducted Grove Academy with success. He died in 1828. W. H. Foote, *op. cit.*, 177-178.

[53] Dr. Stephen Graham was still practicing medicine in Duplin in 1823. *The North Carolina Register, 1823*, 56.

Country.—I dont know that they or any of them have Received any Collegiate Degrees.

14th. Previous to the Revolution and in time of the War, Schools of any kind had not been so much attended to as Since;—About 25 or 30 years ago, it may be Supposed that one fifth part of the Grown Persons in Duplin County, cou'd not Read a Chapter in the Bible, well and Distinctly nor write his name legibly.—Since the Revolution the Education of Children have been more attended to, And at present there are perhaps not more than one tenth part of the Persons grown up to Maturity in this County, but can Read and Write; Tho many of them being taught by Illiterate teachers, dont Read or Spell very Correctly, nor write very legibly. It is mostly amongst those who have been taught at the Academy we find young men best Qualified to do Business accurately.

15th. Societies for Intellectual improvement libraries &c. there are none in Duplin County.

16th. Societies for encourageing the Arts, & Agriculture, & for purposes of Humanity &c. none in Duplin County.

History of Religion

17th. As to Religion it has not been as Progressive in this County as in some other parts of the State. The first Setlers here being Emigrants from the North of Ireland were Presbyterians, they Remained many years without a Pastor Resident amonst them, till the Revd. Hugh Mc.Aden[54] became their Pastor, and he Remained with them but a few years; at the Commencement and in time of the Revolutionary War they had not, any, it was Several years after the—Revolution when the Revd. John Robinson[55] became their Pastor, and Resided with them as Such for five years, on his leaveing them the Revd. Samuel Stanford became and now Continues, to be their Pastor.—Tho Mr. Stanford is Esteemed as a very worthy Character, and an able Preacher of the Gospel, his Church tho the most ancient in the County increases very Slowly. They are Principally formed into two Congregations, Each of which has Meeting House; one is near Goshen in the uper end of the County, and one at the Grove near the Court House. There are also some families on Rockfish which have joined them but they have not yet a Meeting House of their own. The Number of Comunicants in the

[54] Hugh McAden was born in Pennsylvania, educated at Nassau Hall, licensed in 1755, and ordained in 1757. In 1759 he was dismissed from New Castle Presbytery to join Hanover Presbytery, whose limits extended indefinitely southward. In 1755-1756, he made a missionary tour of North Carolina, preaching on March 21, 1756, at the home of William Dickson in Duplin County. McAden returned to North Carolina in 1759, and became the resident minister of the congregations in Duplin and New Hanover counties. Nearly ten years later, on account of his health, he moved to Caswell County where he continued his ministerial career until his death in 1781. W. H. Foote, *op. cit.*, 158-177, 181.

[55] In 1793, John Robinson was licensed by Orange Presbytery and directed to labor in Duplin County. Until his removal to Fayetteville in 1800, he worked diligently and with some success to revive the congregations which McAden had served. W. H. Foote, *op. cit.*, 177.

County of Duplin are not accurately assertained, but may be Estimated at about 100. perhaps, some over,

Soon after the County of Duplin was Established and the Inhabitants became more Numerous, Most of the People and then the Principal Characters in the County Professed themselves to be Members of the Episcopal or Established Church of England, and Readers were appointed to Read the Morning Service &c. on every Sunday at diffirent Houses throughout the County and a Tax laid by the Vestry to pay them. About the year 1760 or soon after; the Rev[d]. William Millar[56] was invited by the Vestry to become the Pastor of the Church of St. Gabriels Parish in Duplin County, which he accepted, and was accordingly inducted. He was a man Possessing some Talent Preached Extempore and was for a year or two very Popular, His places for Preaching were Circuitous round the County at Individuals Houses, there being no Chappels or Meeting Houses Erected for him; He soon became unpopular, Charges of Immorality, and Practices in life derogatory to the Character of a Preacher of the Gospel, were propagated against him which he cou'd not, or did not Refute. till a length he had no friends in the County, and upon the Vestry paying him up his arrearages of Sallary &c. he consented to leave the Parish,

It was not long after M[r]. Millar left the Parish when the Rev[d]. Hobart Briggs[57] Succeeded him and became the Parochial Minister. M[r]. Briggs was an English man; came over to this Country under the Patronage of Governor Tryon, and through his influence Succeeded to the appointment, he was of a very different Character from his Predecessor. he was Sober, Grave, not addicted to any Vice, He occupied the same Circuitous appointed places for Preaching as his Predecessor, he was Considered to be of weak Intellect, but a good Reader, Read all his Sermons, which he brought in Manuscript from England. He Continued in the Parish till the Revolution, when finding his anual Sallary was discontinued, he disappeared without dismissal or formally takeing leave. No Preacher of the Regular Episcopal Church of England has, since him ever visited this Country.—It cannot with propriety be said that Religion flourished or the Morals of the People were improved under the Patronage or Pastoral care of either of the Parochial Preachers. At present there

[56] In 1763, Joseph Williams made complaint to the Council in behalf of the inhabitants of St. Gabriel's Parish, Duplin County, against Rev. William Miller on account of "the notorious immorality of his behavior." The Council ordered a citation to Miller to appear before it at Wilmington in February, 1764; but apparently he did not appear. His next charge, evidently, was St. Patrick's Parish, Dobbs County, several of whose citizens lodged complaints of "immorality and ill behavior" against him before the Council in November, 1766; but the Council, finding the charges unsupported and trivial, recommended him to the vestry of the parish for a "further Tryal of twelve months." He was still the minister in St. Patrick's Parish in 1770. Arthur Dobbs, governor from 1754 to 1765, wrote in 1764: "As to____Miller, who I had the misfortune to recommend to be ordained upon my 1st coming over, upon a petition of many inhabitants of Rowan County; he has since changed from Parish to Parish under strong suspicion of living irregularly." *C. R.*, VI, 1020, 1039-1040, VII, 273-274, 457, 540, VIII, 222.

[57] Rev. Hobart Briggs became minister in St. Gabriel's Parish early in 1769. He preached at eight different places; and, during the first seven months of his charge, he christened 130 persons, performed 16 marriages and officiated at 10 burials. In 1772, Governor Martin wrote to the Bishop of London that Briggs had been strongly recommended to his good offices by all the principal persons of the province. *C. R.*, VIII, 13-14, 45, 50, 63-64, 222, IX, 306.

are very few Persons in this County who Profess themselves Members of the Episcopal Established Church. Those who are disposed to be Religious and Supporte a Religious Character, have joined themselves either to the Presbyterian or Baptist, or Methodist Churches.—

It was Several years after the Settlement of this place, before any Preacher of the Baptist Church visited this County;—The first of Note was Philip Mulkey[58] a man of Talents, and then a Popular Preacher;—After him this County was frequently visited by other Itinerant Preachers of the Baptist Profession, from various parts of the State. Their first local Preacher was the Reverand William Goodman, who Established a Church at Bear Marsh[59] on Goshen. After Mr. Goodman, the Revd. Charles Hines, and after him the Revd. Francis Oliver,[60] became the Pastors of it: under their Care and Patronage the Church flourished, encreased and Spread, very considerably; New Congregations were formed, and Meeting Houses Erected, in different parts of the County; —Other Churches were also founded, and Meeting Houses Erected in various parts of the County, of Duplin, and Continue to be Occupied by the Revd. Silas Carter, Job Thigpen and William Wells, their Pastors;—Since the Death of Francis Oliver, which happened about three years ago, the Church at Bear Marsh, and others under his Care have been Supplied only by Itenerant Preachers, and Visitors from Neighbouring Churches, haveing not yet obtained any Regular ordained Pastor.—The Baptist Professors are at this time, the most Numerous, and flourishing, of any Religious Sect in the County; they have now in Duplin County Seven Meeting Houses, Regular places of Worship towit, at Bear Marsh, at Nahunga, at Concord, at Island Creek, at Muddy Creek, at Limestone, and at Prospect near Bumcoat; The Number of Comunicants in the County in these different Congregations are as p. Returns made in September 1809.—382.—

The first Methodist Preacher who Visited this County was the Noted Beverly Allen,[61] a Celebrated Preacher who visited this County,—immediately after the Revolutionary War. He was followed by Sundry other Itenerent & Circuit Methodist Preachers, they were at first Successfull they formed Several Societies and Classes in the County. These however were not all Permanent, many who had joined and professed themselves Members of that Church, began to think the Rules & Disipline

[58] Phillip Mulkey seems to have organized a Baptist church at Fair Forest, S. C., before 1772. Tour of Rev. Morgan Edwards of Pennsylvania to the American Baptists in North Carolina in 1772-1773, 9, State Library (Raleigh) MSS. A Philip Mulkey received a grant of 300 acres of land in Edgecombe County in 1745. *C. R.*, IV, 764.

[59] The church at Bear Marsh was organized in 1763. C. B. Williams, *A History of the Baptists in North Carolina*, 14.

[60] Francis Oliver was a delegate from Duplin County in the Convention of 1788. *North Carolina Manual, 1913*, 877.

[61] Beverly Allen began preaching in 1778. In a few years thereafter he rode the New Hope and Bladen circuits in North Carolina. In 1783 he was on the Salisbury Circuit; in 1784, Wilmington; in 1785, Georgia; and in 1787, he was presiding elder on the Charleston Circuit. He was cultured, earnest, eloquent, and popular. Later he is reported to have married a wealthy woman, fallen in sin, been expelled from the church, entered business and failed, committed murder, fled to Kentucky, and become a Universalist. W. L. Grissom, *History of Methodism in North Carolina*, 94, 98-99, 104, 123, 216, 242; A. M. Creitzberg, *Early Methodism in the Carolinas*, 39, 361.

of it, too Strict, to be, by them Constantly adhered to. Many fell off and Resumed their former Practices, and some joined other Churches.—

The Methodists, however have at this time a very Respectable and Encreasing Church in this County under the Care and Patronage of the Rev[d]. Peter Carleton and other local Preachers, who keep up the Regular Disipline of their Church; They have now three Meeting Houses or places of Worship in the County towit, one at Maxwell, one at Rockfish, and one at Island Creek. The Number of their Comunicants are 85.—

There are none in this County who Profess to be Roman Catholicks, Quakers, or Universialists.—

18[th]. Destruction by fire and Storms; None have happened in this County so Material as to require any Notice in this place.—

19[th]. Diseases, and Remedies, None other than what is common throughout the Country I leave this Article for Phisicians to Comment upon.—

20[th]. Some People at times will amuse themselves at Cards, and some (but very few) will make Horse Races; and Danceing has been much practised by Young People; But these Amusements are now much Neglected where Religion Progresses.—

21[st]. When this County was divided and Sampson County taken off in the year 1784. The white Poll Taxables then Remaining in Duplin—

613.
The Black Polls were then..... 531.

By the last Returns 1809. The
white Polls were..... 766.
The Blacks were then.....1098.

Curiosities in Duplin &c.

The long Moss like the Misseltoe[62] grows out of the outer bark of trees; it is Common in all the lower Counties in the State, from the Sea till the Rise of the Surface of the Country, Which is about 70 Miles from the Sea.

The Green coloured Rattan Vine[63] is—common in the Swamps where the land is good from the Sea to about 70 Miles back, and the Bamboo Brier[64] is common in Pocosons, Ponds and branches where the lands are Poor, to the same distance back from the Sea.—But no where up the Country, where it Rises and becomes Stoney.

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[62] The long, gray Spanish or hanging moss.
[63] A climbing vine whose tough stem is used for walking sticks, wicker work, chairs, seats of chairs, cords, etc.
[64] The bamboo brier, greenbrier, or bull brier is a thorny, climbing shrub of the eastern United States. It has a yellowish green stem and thick leaves.

To the Editors of the Star.

Sirs.

When your letter of the 30th. March, last, came to hand, Several Persons were Requested to undertake the Busness therein Required, I at first declined it, but when none Elce cou'd be prevailed upon I Reluctantly undertook it, not thinking myself adequate to the task, but expected the assistance of some abler pen. But those whom I I depended upon, declined it altogether.

I have run through the Busness in the best manner I was able. My Composition and Stile in writeing will not bear Public Inspection.—I have however endeavoured to be Correct in Stateing facts.

Being an Infant when this place was first Setled I became Early acquainted with the first Setlers, and many Occurrences which then happened; In Early life I became a land Surveyor in the County, in which Practice I continued till long since the Revolution. Dureing the War, I was almost Continually in Militia Service in the County, but never out of the State. At Commencement of the Revolution, I was put in possession of the Records of the County Court,[65] which office I yet hold. These Circumstances has enabled me in some Measure, to State some facts with more Precision perhaps, than any other in the County at this time cou'd do.

Perhaps I have been more Minute in detailing some Occurrences than Necessary, and perhaps omitted some that ought to be noticed.—You may however extract from the whole, what you may deem Necessary for your purpose, and Correct the Stile in which it is written.— I am. Gentlemen.—Your Most Obedt. Servt.

Wm. Dickson[66]

Duplin 23d. Novr. 1810

[*To be continued*]

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[65] The North Carolina Historical Commission has the Duplin County Court Minutes, 1784-1791, 1793-1798, 1801-1828, 1832-1838, 1840-1846, 1851-1852.

[66] William Dickson was born about 1740 in Pennsylvania whence his father John had come from Ireland in 1738. In infancy he was taken by his father first to Maryland, and then before 1745, to Duplin County. Early in life he became a land surveyor and continued this work until after the Revolution. Though his military career in the Revolution was confined to militia service in his section of the State, he early attained leadership in the civil and political life of his county. He was a member of the House of Commons, 1769, 1770-1771; a delegate to the provincial Congresses of August, 1774, August, 1775, April, 1776, and November, 1776; and again a member of the House of Commons in 1795. He was made Clerk of the County Court at the beginning of the Revolution (in 1776 or 1777), and held the office continuously until 1820. The minutes of the County Court in the archives of the Historical Commission are in his handwriting through the January term, 1820. His last entry was made on January 20. On April 18, the court allowed "Wm. Dickson former clerk of the county court for Extra Services up to this time_____$56.25." Dickson was one of the founders of Grove Academy and clerk of St. Gabriel's Parish, 1802-1805. J. O. Carr, *The Dickson Letters*, 6-8; *Biographical History of North Carolina*, V, 85-89; St. Gabriel's Parish Register, 1800-1816, and Duplin County Court Minutes, North Carolina Historical Commission MSS.

HISTORICAL NOTES

Edited by D. L. Corbitt

The notes in this issue include an article written for the *North Carolina Journal* in 1796 on the vices of Virginia and Maryland in North Carolina; a poem on John Jay who negotiated the treaty with England in 1795; a letter by Mrs. Martha Ellen Miller to her brother, John Jameson, in which she told about the Battle of Kinston, N. C.; advertisements of vocal or instrumental music, of night school for busy young men, and of a dancing school where the "various dances now prevailing in the polite European and American companies will be taught" by a French Master.

VICES OF VIRGINIA AND MARYLAND BECOMING PREVALENT IN NORTH CAROLINA[1]

For the NORTH CAROLINA JOURNAL

OBSERVATIONS ON NORTH CAROLINA

BEFORE, and sometime since the late revolution,[2] sundry acts and resolutions of our legislature, our political views, our commercial and agricultural pursuits, as well as our customs and manners were copied and imitated from Virginia and Maryland. At present there appears in our public councils a proper independence of opinion and sentiment to prevail, becoming the dignity of an important state in the Union.

The habits of sporting, gambling, and other vices which produce idleness and dissipation, according to the example of Virginia and Maryland, have of late in a great measure given way to the more exalted pursuits of industry and economy.—Among the middle and lower classes of our citizens, the education of children in the humble branches of the knowledge of reading and writing have been shamefully neglected. Ignorant and illiterate men are proper instruments in the hands of aristocratical and despotic governments, but by no means qualified for a republic. "A man declaiming for liberty," says an elegant writer, "and suffers his children to grow up without education, acts most absurdly, and prepares them to be licentious, but not free." It is evident that the liberty of a people may be cheated from them by a train of artful measures, against which it is extremely difficult for illiterate and ignorant men to make any tolerable defence.

Heretofore there was no place within the limits of the state where our sons could acquire a classical and scientific education, and indeed many

[1] *The North Carolina Journal*, May 2, 1796, p. 1, c. 1, 2.
[2] Revolutionary War, 1776-1783.

influential characters did and does still oppose such education, as frivolous and unnecessary; by which means considerable sums of money were sent out of the state, in order to give more liberal education to young men at foreign colleges and universities; a mortifying consequence of such neglect was, that in preference to the natives, almost all our public offices and employments of honour, profit and trust were held and exercised by gentlemen[3] of literature who migrated to this state. Happily at present, legislative as well as other public and private encouragement is given to learning[4] in its various branches, whereby the enlightened sons of North Carolina will soon be qualified to fill all the public offices in the government, and likewise to exercise with capacity and reputation all the public and learned professions, give an energy and an enlightened tone to the political, agricultural, commercial, and manufacturing interests of the state, and in general to improve, preserve and perpetuate the liberty, prosperity and happiness of our rising republic, as well as to discover and oppose successfully every latent measure tending to tyranny and oppression.

In 1782 the legislature passed an act,[5] extraordinary indeed, for the universal confiscation of the property of the late malecontents, with one or two qualifications; the ostensible object of which was to create a fund for the discharge of our quota of the public and domestic debt—the purchasers of which property were to give security in judgment bonds, for the faithful payment of their respective sums by instalments in five years, part in specie and part in public securities with an interest of six per cent, per annum, to be paid into the treasury, then existing in six districts, having no controuling nor central point, except the general assembly. The next thing which affected that system was the emission of bills of credit, and its handmaid; the tender, in the payment of all debts, &c. The next step was to destroy the immediate operation of judgment bonds, with a fallacious preamble that they were oppressive

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[3] Joseph Hewes, John Penn, and William Hooper, the three signers of the Declaration of Independence were not born in North Carolina. The first five governors and the first two attorney generals of North Carolina after Independence were not born in the State. These men were Richard Caswell, Abner Nash, Thomas Burke, Alexander Martin, Samuel Johnston, Waightstill Avery, and James Iredell, respectively.

[4] The University of North Carolina was authorized by the legislature in 1789 and opened its doors for the admission of students in 1795.

[5] In 1777 a law was passed entitled "An Act, for consficating the property of all such persons as are inimical to the United States, and of such Persons as shall not, within a certain Time therein mentioned appear and submit to the State whether they shall be received as citizens thereof, and of such persons as shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned." Laws of North Carolina, 1777, chapter XVII, *State Records of North Carolina*, Vol. XXIV, p. 123. The next year another act was passed entitled: "An Act to carry into effect an act passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, entitled, an act for confiscating the property . . . . ; and for other purposes." Laws of North Carolina, 1778, chapter V. *State Records of North Carolina*, Vol. XVIV, p. 209. In 1780, a law was passed entitled "An Act for suspending the operations of an act, for carrying into effect an act, commonly called the Confiscation Act." Laws of North Carolina, 1780. *State Records of North Carolina*, Vol. XXIV, p. 352. In 1781 a law was passed the caption of which is as follows: "An additional Act to an Act, entitled, An Act for securing the quiet and inoffensive inhabitants of this State from being injured, for preventing such property as hath or may be confiscated from being wasted or destroyed, and for other purposes; for continuing an Act, entitled, an Act, for carrying into effect an Act commonly called the Confiscation Act; and for directing and regulating elections in particular instances; . . . ." Laws of North Carolina, 1781, chapter IV. *State Records of North Carolina*, Vol. XXIV, p. 376. In 1782 a law was passed entitled, "An Act directing the sale of confiscated property." This act contains the names of men whose property had been confiscated. Laws of North Carolina, 1782, chapter XI. *State Records of North Carolina*, Vol. XXIV, p. 424.

to poor creditors, &c. All this was evidently impertinent and unconstitutional interference with private contracts, which ought to be held inviolable, otherwise there is an end to public and private credit. Now let us pause for a moment to enquire after the revenue arising from the sale of confiscated property, and the discharge of our public and domestic debt—*non est inventus!*—Many of the acts of our legislature, as well as others respecting money, commerce, public and private contracts, will to future generations appear almost incredible, but after some time, people will be better informed and astonished that their ancestors could make such blunders in legislation. At present our prospects are more flattering, we have no such heterogeneous legislation, our multifarious treasury department[6] is brought to a single point under proper regulation and most faithful administration. There appears a good disposition toward the administration of equal and impartial justice, the obligation of private contracts are more duly respected, our public credit is increasing, our agricultural, commercial and manufacturing departments are obtaining a better tone and becoming a little more elastic.

After all, my fellow-citizens, there remains some important things to be done. Give me leave to premise that it is one of our greatest misfortunes that we should at this enlightened period, keep up such invidious distinctions between what is called the eastern and western interests,[7] in this state. I would apprehend that an enlightened policy would dictate, that combining the various productions of the different parts of the state together, they would form a support and ample supply coextended with the wishes and gratification of any reasonable mind, supposing we were separate from and independent of all countries on earth. Such is the amazing variety of our soil, and consequently its productions with its great fertility in many places, together with those riches which can be taken and extracted from the bowels of the mountains, earth, and sea—I say from all these and a thousand collateral considerations, one would be induced to conclude, that we would tend to a rigid coalition, rather than approach in any degree, toward a dissolution. The lower country gentlemen need not be uneasy at the increasing population of the back country, for if they had power it will ever be their interest and best policy to cultivate the most undivided friendship with their low country friends—and *vice versa*. After those premises, I take the liberty to observe, that a convention ought to be had as soon as convenient, in order to erase some parts, and alter and amend others of our constitution, so as to assimilate the principles of it to that of the general government. I think it of great importance that our judicial system should meet with some cautious and judicious touches of reforma-

[6] From 1777 to 1779, the State was divided into a Northern and Southern district, each having a treasurer. From 1779 to 1782 there were six treasurers for the six districts as follows: Edenton, New Bern, Wilmington, Halifax, Hillsboro, and Salisbury. In 1782 Morgan district was created. In 1784 the district system was abandoned and a treasurer for the State was elected. *North Carolina Manual, 1913,* p. 441.

[7] Sectionalism was an important issue in this State until the West gained enough power to force the call of a constitutional convention in 1835.

tion, which could not be so well done until we would examine the features of our revised constitution. Until a revision of the constitution takes place, every sitting of the ligislature must be attended with some embarrassment. It is evident that the multiplication and changes of law have a great effect in weakening the force of government.

It is to be presumed that the revenue arising from taxes, unappropriated lands, &c. will bring a very large sum of money into the treasury. Permit me to suggest the propriety of ascertaining and providing for the discharge of our share of the domestic and other incidental debts. The condition of our public roads,[8] the state of our rivers and canals, are subjects of the highest interest and importance to this state and demand prompt pecuniary legislative aid. A few thousand dollars applied with economy, would open the river Dan, Yadkin and Catawba, for boats of eight, ten or twelve tons burden, up to the verge of the Appalachian mountain; and the navigation of the shorter rivers might be very considerably extended into the interior parts of the country. The measure taken by the last assembly, appointing commissioners to view and report on the state of the various rivers, is very flattering. Canals[9] in the lower part of the state, can be carried on to great advantage. The carrying these several projects into complete execution would apparently be attended with a great expence, but let it be considered how many thousands would be saved annually in the labour and expence of transporting our heavy unmanufactured produce to market, let it be observed that it would bring the market in a great measure to our doors; it would give an amazing spring to our agriculture, that greatest and surest source of wealth to any country. The swamps, that prodigious source

[8] In 1715 the General Assembly passed an act entitled "An Act concerning Roads & Ferries." This act provided for the operation of ferries, construction of bridges, width of roads, and for the annual appointment of surveyors. *State Records of North Carolina,* Vol. XXIII, p. 46, 47. In 1734 this act was amended by "An additional act to an act concerning Roads and Ferries." This act required the keepers of ferries to give bond for the faithful performance of their duties; provided a fine for surveyors if they did not serve after appointed; and for the width of roads, bridges and causeways. *State Records of North Carolina,* Vol. XXIII, p. 118-119. Many other acts were passed relative to navigation, building roads, keeping ferries, etc., but it was not until 1816 that very much pressure was brought to bear on the legislature for internal improvements. In that year, A. D. Murphey made a report to the legislature on Inland Navigation. Hoyt, W. H. *The Papers of Archibald D. Murphey,* Vol. 1, p. 33. Navigation companies were organized and chartered, and the State subscribed to their stock. A state engineer was employed to survey rivers and make recommendations. In 1818 the subject of Internal Improvements was again put before the legislature, and Murphey again presented a "Memoir on Internal Improvements contemplated by the legislature of North Carolina and on the Resources and Finances of That State." Hoyt, W. H. *The Papers of Archibald D. Murphey,* Vol. 1, p. 103.

[9] In 1766, the General Assembly passed an act entitled, "An Act for joining the Navigation of Old Topsail Inlet to Neuse River, by cutting a Navigable Canal from the Head of Harlow's Creek to Clubfoot's Creek." This canal was to be cut by money raised from subscriptions by public-spirited men, but the project did not materialize, for in 1783 another act was passed "for cutting a canal from Clubfoot's Creek to Harlow's Creek to open a communication between Neuse River and the navigation of Old Topsail Inlet." *State Records of North Carolina,* Vol. XXIV, p. 538. In1784, an act was passed which granted authority to Enoch Ward, Spyers Singleton, Christopher Neal and Company, to cut a canal from Clubfoot's Creek to Harlow's Creek, and they were given seven years in which to complete the work. *State Records of North Carolina,* Vol. XXIV, p. 634. In 1792 the legislature passed another act relative to the said canal, but no action was taken, and in 1795 a proclamation was issued by Governor R. D. Spaight on legislative authority demanding the above mentioned men to show cause why the act of 1784 should not be repealed. *North Carolina Gazette,* July 4, 1795, p. 3, c. 2. In 1773 the General Assembly passed an act authorizing a canal to be cut on Trent River, thereby shortening the distance about twenty-five miles. *State Records of North Carolina,* Vol. XXIII, p. 914. In 1790 the General Assembly passed an act entitled "An Act for cutting a Navigable Canal from the Waters of Pasquotank River in this State, to the Waters of Elizabeth River in the State of Virginia." *State Records of North Carolina,* Vol. XXV, pp. 83-93. Many other acts were passed relative to roads, canals and rivers looking towards improvement in communication and navigation.

of riches in the lower parts of the state, would soon be made productive. —The natural riches of this state is perhaps not exceeded by any in the Union, and this will be demonstrated when they are brought into active operation. Manufactures ought to meet with every encouragement, seeing we abound in a vast number and variety of raw material. Timber of the best quality for shipbuilding, iron and hemp in abundance are to be found here, and hundreds of other productions which I have not time to mention, are and may be had for the establishing of manufactures. Thousands of our young men and boys who have no taste for farming and planting, would find scope for their genious in various branches of manufacture and mechanism, and thereby become very useful to society. I think that in whatever country agriculture, manufactures, industry, and economy are duly exercised, there riches, peace, morality and human happiness prevail.

A CITIZEN.

Iredell, April 6.

JOHN JAY[10]

POET'S CORNER

From the TELEGRAPHE.

A SONG

To be sung to any Tune, which may suit the singer.

A SONG I here present to you,
For which I [a]sk no pay:
We've won the game; I'm told its true:
Success to Justice J.[11]

The Indians now are civil grown,
As many WISE ones say:
The Western Posts are now your own:
Huzza for Justice J!

Perhaps in TWO, or ten, years hence;
Or in SOME FUTURE day,
You'll man them for your own defence:
Huzza for Justice J!

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[10] *North Carolina Gazette*, July 11, 1795, p. 4, c. 1.

[11] In 1794, John Jay, Chief Justice of United States, went to England, and in 1795 succeeded in negotiating a treaty. The treaty consisted of twenty-eight articles, ten of which were to be permanent.. Peace and friendship were declared established between Great Britian and United States; the British posts were to be evacuated by June, 1796; free commercial and Indian intercourse on the American continent was mutually promised, leaving the Mississippi River entirely open to both countries.

The British being all gone home,
You'll have no more to say,
The Indian FRIENDS to trade will come,
Huzza for Justice J!

Then you may purchase all their fur,
And trinkets for it pay;
You may grow rich and dwell secure;
Huzza for Justice J!

The British King is now your friend,
Your FAULTS are done away:
On British FAITH you may depend;
Huzza for Justice J!

Then to oblige you British Friend
You'll surer buy their—TEA!!!
His MAJESTY on you depends;
Huzza for Justice J!

How happy you to have such Friends!
'Twas an auspicious day
On which of them, you gain'd your ends!
Huzza for Justice J!

Come fill a bowl—give us your toast,
Then we to Jove will pray,
For Strength to HOLD the Western Posts;
Huzza for Justice J!

BATTLE OF KINSTON

The following letter written by Mrs. Martha Ellen Miller[12] to her brother, John Jameson[13] of Boston, Mass., was printed in a Boston paper[14] early in 1863. Doctor J. Franklin Jameson recently found the newspaper clipping among his father's papers, and immediately sent it to the *Review*. As the Boston paper suggested, this letter gives an interior view of the Battle of Kinston, N. C.

An Interior View of the Battle of Kinston. The following private letter is from a Massachusetts lady[15] who has for several years resided in Kinston, N. C., where her husband is a practising physician.[16] The

[12] An aunt of Dr. J. Franklin Jameson. Information supplied by Doctor Jameson.
[13] Father of Dr. J. Franklin Jameson. *Idem.*
[14] Presumably the *Boston Journal*. *Idem.*
[15] Martha Ellen Miller, sister of John Jameson, and aunt of Dr. J. Franklin Jameson. *Idem.*
[16] Dr. Lewis Miller. After the war Doctor Miller moved to Stockbridge, Mass., where he followed his profession. *Idem.*

writer is well known in this vicinity, having formerly been a school teacher, and her brother is one of the sub-masters in the Boylston school:

Kinston, N. C., Dec. 18, 1862.

This is my dear mother's birthday, and I have had a present of four precious letters from beloved members of our household—a priceless treasure! They came by Delia,[17] (a true Vermont woman resident in Kinston),[18] who has just reached home this afternoon, after a *five* weeks' passage. She had far worse luck than I, for she was two weeks on the way to Newbern, and was delayed there the rest of the time on account of an expedition to Goldsboro'. And now I must tell you of the fearful struggle I have been through.

I have seen a battle![19]—that is, as much of one as can be seen in a level country. I will relieve your anxious hearts by stating that I, my husband and servants are all well; have been spared by the "arrow that flieth at noon-day."

To begin at the very first, as you will wish to know all: On Friday noon, Dec. 12, Dr. (the husband of the writer) said that there was skirmishing at Trenton,[20] and six or seven of our men (rebels) killed. I thought but little of it, as Trenton seems to be a sort of trap into which first one side and then the other falls.

I was very busy all day trying to put the finishing touch to my merino dress; Dr. was away, and I determined to have it ready to put on for him to see when he came. It was done about sunset. At 7 o'clock a gentleman (soldier) came to pay his bill to the Dr., saying he did not know where he might be in the morning. On being asked why, he said that the Yankees were within ten miles of town. I was perfectly surprised, and you may be sure awaited D.'s return without thinking much of showing my new dress. He had gone with several hands to kill some hogs, and as the hours went by—8, 9, 10—you may believe I got frightened. I feared he might have been captured. He got home at 11, and we talked the matter over till past one.

By daylight next morning (Saturday) every ear was strained to hear the first gun. No sound came for several hours, and we had about concluded that the alarm was false, when—boom! boom! fell on the ear and *hearts* of hundreds of listeners. This was at 10 A. M. The firing

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[17] Wife of Stephen Miller, a cousin. *Idem.*

[18] These parenthesis were insereted by the editor of the Boston newspaer. *Idem.*

[19] "There were skirmishes on the Kinston road, December 11th and 12th; skirmishes at Southwest Creek, December 13th and 14th; engagement at Kinston, December 14th; engagement at White Hall, December 16th; skirmish at Thompson's Bridge and engagement at Goldsboro Bridge, December 17th. The Federal casualties of these skirmishes and engagements are as follows: killed, officers, 4, enlisted men, 88; wounded, officers, 19, enlisted men, 468; captured or mising, officers, none, enlisted men, 12." *The War of the Rebellion,* Series I, Vol. XVIII, p. 60. For an account of this battle see *The War of the Rebellion,* Series I, Vol. XVIII, pp. 53-106.

[20] Trenton is about twenty miles southeast of Kinston, is the county seat of Jones County. On July 24, Brig. Gen. John G. Foster sent out from New Bern four reconnoitering parties, one of which under the command of Col. H. C. Lee went through Trenton, taking prisoners and obtaining information. Colonel Lee reported that he obtained satisfactory information about the rebel force in that territory. *The War of the Rebellion,* Series I, Vol. IX, pp. 344-347.

was kept up, with occasional rests, till dark. The battle ground on that day was near "Woodington Meeting House"—some of you know the place. There was no great manifestation of alarm on that day among the citizens. Many left, but without anything like a panic. I did my week's mending, as usual.

Again on Sunday morning did we breathlessly await the roar of artillery. At 10 it came—nearer and still nearer. We sent all of the black children with Philip and Albert (white) into the country. Calvin and Jeanette (servants) took two trunks containing our most valuable clothing to a place of safety, so that, if the town was burned, we might not be destitute. About 12 an orderly came riding up and told Doctor (her husband) to send his women and children to a place of safety as the place would be destroyed. Doctor told him we wished to stay and protect our things. "Well," he said to Doctor, "*you* stay." I told him I was not afraid and expected to stay by husband and home. "Very well," said he "if you feel brave enough, go ahead!"

After that the cannonading got perfectly furious; shells flew thick and fast all about; the smell of powder and the shouts of the men were terrible. About two, the same orderly came up and gave us a peremptory order to leave. I told Doctor (*he* was perfectly willing to go) that I could not leave my home. I wept for the first time when he ordered the ponies. Before they came we knelt down together and I offered up a prayer for protection. My poor husband was so agitated that he could not speak, but wept like a child. After a little persuasion the horses were ordered back again but to be left *with their harness on.*

The house was shaken to the foundation by the artillery, and the musketry rattled like corn in a "popper." The Yankees stood in the low ground between the bridge and Mrs. Hill's; the rebels occupied the ridge and opposite side of the bridge, where they had a battery.

I do not know of any lady left in the town at this time except myself and Mrs. B——, a very old woman. About 3½ the shout went up that our (rebel) forces were retreating, and soon they came pouring through the town. They set fire to the bridge[21] after crossing, and expected to make another stand on Mr. Washington's hill; but the Federals put out the fire in a few moments, and were too close upon their heels to permit them to offer any more fight, so that the only part I should have been frightened (*thoroughly* frightened) at, a hand-to-hand fight in the streets, was avoided.

The Federals came pouring in on every side, amounting to many thousands. There was a force[22] of about 25,000, but whether all came

[21] "About four rounds had been discharged when I observed the rebels were firing the bridge. . . . Lieutenant Birchmeyer, commanding left section, and First Sergeant Van Heusen, commanding center section, brought forward their cannoneers with watering buckets, . . . extinguished the fire upon the bridge." Report of Capt. Edwin S. Jenney, *The War of the Rebellion,* Series I, Vol. XVIII, pp. 66-67.

[22] Major Gen. J. H. Foster after stating that he borrowed certain troops said, "in all about 10,000 infantry; six batteries Third New York Artillery, 30 guns, Belger's battery First Rhode Island Artillery, 6 guns; section of Twenty-fourth New York Independent Battery, 2 guns; section of Twenty-third New York Independent Battery, 2 guns; total 40 guns; the Third New-York Cavalry, about 640 men." *The War of the Rebellion,* Series I, Vol. XVIII, p. 54.

into town or not, I can't say. As soon as the firing ceased we started Ferney, a servant, off with the ponies for the children. In a few minutes he came running back out of breath, saying that the Federals had taken the ponies away from him just at the crossing by the depot. Doctor took his hat and started to go, but Ferney protested against it, fearing they might capture him, and pleaded for me to go instead. I started off at a "double quick," found them standing at one side of the road, and plenty of men on the other side. I jumped in, (had Jake, a servant, with me), took the reins and went sailing toward home. When just by Mr. Herring's store I was halted by two officers, and an Irishman caught hold of the bridle. They said they wanted those horses. I said: "You can't have them—they're mind, and I am going home with them." They ordered me to get out. I told them I would not be left in the street, those horses had to take me home. One took out his pistol, as if to bring me to terms, but I insisted on being taken home. The Irishman, the scoundrel, when I insisted on driving myself, telling him that I knew where my home was better than he did, jerked the reins so that he sprained my hand. However, I got home with them, and when I told my *driver* that I was a Northern woman, he said every one said that when they could make anything out of it. He was of the 44th Massachusetts, and I immediately started out to find Col. Lee.[23] When near the Court House we (Doctor and I) saw Lieut. Gregg, of a New York cavalry regiment, whom we both knew. He treated us very handsomely, and agreed to get back the ponies without any more trouble on our part. He soon came back with them, and sat a while. He was very gentlemanly. He left a "protection" for us. By this time it was nearly night and Doctor went out to get a guard. In the meantime, an Irishman came in without knocking and said he wanted a frying pan. I told him he would much more likely to get it if he had knocked and said "please," and sent him away empty. Three officers came in to wash their faces, and I gave them supper, for which they seemed grateful.

After a while Maj. Morrissey of the 3d Massachusetts (with whom she became acquainted on board the Merrimack[24] on the passage from Boston to Newbern) with some brother officer called. He said we ought to have a guard right off and he would wait till one came. Some soldiers tried to get a large quantity of meat from me, but he prevented it. I gave them about twenty pounds. At last, about 9 P. M., we got two guards, but Calvin and Adams (servants) had to help them, for the soldiers were carrying on the most wholesale robbery I ever heard of. At Delia's (the Vermonter's), in spite of all we could do, they took every article of bed clothing, knives and forks, sugar, honey, preserves, table cloths—in fact, everything. I heard the spoons rattling in one man's pocket and made him give them up and brought them home with me. I

[23] Col. Horace C. Lee of Twenty-second Massachusetts Infantry. Mrs. Miller was probably confused as to troops under his command.

[24] The *Merrimac* was a United States transport ship.

felt more like crying then than I had for the day. The shells and balls were ruth warfare, but this plundering a Northern lady's house was more than I could endure.

Mr. C..... (a tailor, a Southerner, but who refused to furnish materials or assist in making a secession flag when the rebellion broke out) staid with us till 3 o'clock; was then told by an orderly that the town was on fire, and he must leave. He did so, and what was the result? Everything was taken! At my suggestion (prompted, it is supposed, by the advice of friends here who thought tobacco better than Confederate script) Doctor had bought $600 worth of tobacco, a splendid article, and stored it there. We saved *two plugs*. And that fine piece of cloth I had for Doctor's clothes is gone, together with those very thick pantaloons of his, which were there to be repaired. Doctor would have sent for the things, but he knew Mr. C.'s sentiments and thought them perfectly safe. Isn't it too, too bad? Mr. C. is a ruined man. None of the family have a change of clothes left. I gave him a shirt, collar and pair of stockings. I pity him, but *he ought to have stuck by*. I even had water and buckets ready to put out fire, and felt a *determination* not to lose anything that my exertion would save. The result was that from our own premises we lost only *one chicken*. No one else escaped as lightly. Mrs. Dunn's bed clothes were taken to such an extent that I have had to lend that sick and feeble creature enough to keep her from freezing. She fared (thanks to Aunt Cuyles, a servant), pretty well, with the exception of bedding. Doctor had a guard put there, but it didn't do much good. She went out into the country during the fight, by her husband's orders; she was perfectly cool, and laments not seeing the Yankees come into town. She is a brave little woman.

Such a night, my dear parents, I pray God I may never see again.

The next morning (Monday the 22d) the troops passed over the river bridge again, burned it after them and went somewhere—no one here could imagine where. At night firing was heard in the direction of Whitehall[25] and also on the next day, (Tuesday 23d). Not one Federal soldier was left in Kinston. I feared the Confederates might come back and we have another battle, but they have not as yet, and I think will not.

On Monday morning Col. Lee (of the 44th, a fellow passenger with the writer on board the Merrimack) called—could not find me the night before—also Mr. Winn of Woburn. Edmund Johnson of Nahant told Dr. that he used to go to the Lynn High school with me. I did not get even a sight of Gen. Foster,[26] but of course Calvin did. (Calvin is always on hand with eyes and ears open). The Gen. turned to him and said, "Are you a rebel?" Calvin said, "No, sir; I belong to Dr. Miller." "Oh," said he, "I know him." It pleased Calvin mightly to have the Gen. say he knew his master.

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[25] The battle at White Hall took place December 16. *The War of the Rebellian*, Series I, Vol. XVIII, p. 67-73.

[26] Major Gen. John G. Foster, commanding the Department.

There was a fire in town the night after the battle. Coleman's drug store and several buildings in that vicinity were destroyed.

Oh, my dear friends, you know not the horrors and ravages of war. I hope you never may. The town is ruined, the people crushed. Rebellion seems to be expensive.

Wasn't it well we were not in Georgia. I got a letter from Savannah while the battle was raging; send it with this.[27]

* * * * *

We get no letters or papers now from any source. We are cut off from the world. Yours were as balm to my wounded heart. I prize them more than silver or gold.

* * * * *

We are getting along famously now. Good bye; God bless you all.

M. E. M.

VOCAL INSTRUCTION GIVEN[28]

PERSONS willing to be instructed in vocal or instrumental music, may hear of a person capable of giving lessons in that art, and teach it in the most perfect manner. Apply to the Printer.

EVENING SCHOOL OPENED FOR BUSY YOUNG MEN[29]

EVENING SCHOOL

Is opened by the subscriber, for instructing those young men, in writing and arithmetic, whose business will not admit of their attending in the day.

October. A. H. ADAMS.

DANCING SCHOOL TO BE OPENED[30]

A DANCING school will be oppened, on Tuesday the 24th inst. at the Palace, by a French Master, where the various dances now prevailing in the polite European and American companies will be taught.

The school will be kept every Tuesday, Thursday and Saturday, at 4 o'clock, P. M.

An evening school will be kept on the same days for those gentlemen who may deem it inconvenient to attend in the day-time.

The terms are six dollars per quarter, payable at the end of the quarter—unless any gentleman may chuse to pay it before.

Such persons as desire to be taught privately, will be waited upon.

He may be spoken with at Mrs. Gill's.

May 21.

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[27] The asterisks indicate omissions made by the newspaper editor or by John Jameson, which doubtless were about family matters. Information supplied by Dr. J. Franklin Jameson.

[28] *North Carolina Gazette,* May 23, 1795, p. 4, c. 3.

[29] *North Carolina Gazette,* October 24, 1795, p. 3, c. 3.

[30] *North Carolina Gazette,* June 4, 1791, p. 3, c. 2.

BOOK REVIEWS

THE FREEDMEN'S SAVING BANK: A CHAPTER IN THE ECONOMIC HISTORY OF THE NEGRO RACE. By Walter L. Fleming. (Chapel Hill. The University of North Carolina Press. 1927. Pp. 170. $2.00).

Professor Fleming, in his numerous works, has treated the Reconstruction period of southern history more thoroughly than any other historian. In such distinguished books as *Civil War and Reconstruction in Alabama, Documentary History of Reconstruction,* and the popular synthesis, *The Sequel to Appomattox,* he has combined patient researches in all types of material which throw light on his subject with clarity of style and discriminating conservatism in judgments. But what makes his work superior to that of his competitors is the fact that he treats other than financial and political phases. When we consider the extraordinary financial and political complications of this period, we can understand why many patient investigators, from sheer weariness if for no other reason, have not often ventured into other phases. But were not the agricultural, political, social, and cultural changes of equal importance in determining the make-up of the present South? Professor Fleming feels so, and has given them recognition in his writings.

In his latest venture in the field of Reconstruction history, this little history of one of the lesser projects of the period, a savings bank for freedmen, our author is true to the principles of his more ambitious works. His researches have been most careful, his judgments are measured, and his style is clear. Moreover, he gives more than the technical history of a bank. He shows how it grew out of the social and economic deficiences of the newly manumitted negroes. The race, because it was free, capable of working, and enjoying the bounty of the nation, was receiving money; but it was also manifesting its notorious predilection to spend freely and, therefore, needed some institution to tempt it into saving. Taking advantage of this opportunity to do the race constructive good, certain United States officers in charge of freedmen's affairs, organized the Freemen's Saving Bank. So successful was the undertaking that this institution had by 1872 thirty-four branches, mostly scattered over the South. By clever propaganda, that is, the use of platitudes of a type especially appealing to the negroes, many

were induced to invest their savings and a beginning was made in the training of the negro business man, a type which has aroused the hope of the more benevolent among the sons of the New South.

But the Freedmen's Bank went the way of many of the institutions of its day which were motivated by philanthropic purposes. Its clerical and abolitionist directors proved to be incompetent and corrupt. "The negroes," said a Southern white congressman, "were sympathized with by their friends until they have been literally robbed." The incompetent negro officials made faulty loans under pressure and were victims of the determination of the rising leaders of the New South that they should not become business men in fact. Too large a share of the resources of the bank fell into the hands of the notorious District of Columbia "ring," and under pressure of Congress the institution was forced to close its doors in 1874. Then followed the difficult task of winding up its affairs and paying the depositors. By December 1, 1909, $1,731,850.01 had been paid claimants, but on that date $1,208,071.21 was still due. As late as 1910 there was agitation in Congress in favor of the national government assuming the obligation of paying this deficiency. But even had that been done, the evil resulting from the bank's failure would not be undone; for unfortunate experience had gone a long way toward teaching a race which has needed to save that such attempts were folly.

Francis B. Simkins.

State Teachers' College, Farmville, Va.

Georgia and the Union in 1850. By Richard Harrison Shryock. (Durham: Duke University Press. 1926. Pp. viii, 406. $4.50.)

In this volume, an elaboration of a University of Pennsylvania doctoral dissertation, Professor Shryock portrays the part that the state of Georgia played in the Southern movement of 1850. This movement was aroused by the growth of anti-slavery sentiment in the North, in particular by the vigorously asserted demand for the exclusion of slavery from the Mexican cession of 1848. Southerners viewed this with alarm. If not objectionable in itself to all, it would be to most, if enacted into law by Congress, "an earnest of what was to follow" (p. 156), *i. e.* the abolition of slavery and the destruction of the South that had been constructed upon the insti-

tution of slave labor. The defensive movement of the South against this threat reached the point where the continued existence of the Union was seriously endangered. Georgia, the "Keystone State" of the South, occupying a strategic position both geographically and morally, played an important part in determining the course and particularly the outcome of this movement. More conservative than her radical neighbor, South Carolina, and the only slightly less radical Mississippi, she was nevertheless united in opposition to the Wilmot Proviso and "would doubtless have seceded in 1850 if the Proviso . . . had passed at that time" (p. 7). Her conservatism, in other words, consisted in her relatively greater desire to seek and support a compromise, and her belief that a satisfactory compromise, one that would protect her institutions, could be secured. When the Clay compromise of 1850 passed Congress Georgia gave it her endorsement. Despite the urging of secessionists that she "lead off," her convention adopted the well known "Georgia Platform." In this document Georgia expressed her acceptance of the compromise as a final settlement of the slavery controversy, but she also gave warning to the North that she would regard certain further, specified encroachments upon slavery as sufficient cause for resistance even to the length of secession. Professor Shryock is inclined to conclude that the victory of the Unionists in Georgia, in its influence upon other Southern states, "was a prime factor in the preservation of the Union in 1850" (p. 340). He is careful to point out, however, that the difference between the position of the defeated secessionists of that year "and that of the Georgia Platform was only that the first meant secession at once; the second, secession upon the next serious provocation" (p. 336). Upon this platform many, not only in Georgia, but throughout the South took their stand. Many hoped that it would prevent what from their point of view would be the necessity of secession; many in South Carolina, the reviewer has concluded, hoped that it would not prevent ultimate secession.

The latter half of this book contains a detailed narrative of this political movement within Georgia. The author, moveover, seeks to explain as well as to narrate. Particularly does he attempt this in the first three chapters which discuss illuminatingly the situation in Georgia as regards railroads, manufacturing, commerce, agri-

culture, the economics of slavery, rivalry with and hostility to South Carolina, social groups with special reference to their views on slavery and the negro, and the political background of the period prior to 1844. He stresses Georgia's conservatism and explains it as the result of three factors: first, "a most unsisterly animosity" between Georgia and South Carolina that was largely the result of economic rivalry; second, the influence of the inhabitants of the hill country of upper Georgia who were "indifferent to the interests of slavery" and "in addition devotedly attached to the Union"; and third, "and doubtless most important," the fact that "the secession appeal reached Georgia at a time when she was enjoying the peake of her new prosperity" and "prosperity did incline the state to compromise" (pp. 6-7). After a careful reading of the book one must agree with these conclusions. As General James Hamilton wrote in 1850; "thirteen cents a pound for cotton was a powerful contributor to make civil war and revolution exceedingly distasteful to her people" (p. 52).

Professor Shryock has made a careful and critical use of voluminous records in manuscript and in print; he has organized his material well; he has written clearly and dispassionately; he has adequately correlated his study of events in Georgia with the larger Southern movement in which Georgia played so vital a part. His book is a noteworthy contribution to southern and to national history. It should be read not only by those who wish to learn of the abortive secession movement of 1850 but by all who seek seriously an understanding of the reasons for secession in 1860-1861.

Philip M. Hamer.

The University of Tennessee.

Andrew Johnson: Plebeian and Patriot. By Robert W. Winston. (New York: Henry Holt and Company, 1928. Pp. xvi, 549. $5.00.)

Human motives and character ever defy precise analysis. In the main Judge Winston in his life of Andrew Johnson has refrained from pursuing any one theory to its logical and, therefore, absurd conclusion. True, he makes much of the fact that Johnson's parents were "poor but honest," that his childhood was spent in penury and hard work, that he never had the advantages of any formal schooling, that early associates were almost wholly with persons

situated like himself, and that these facts may have developed in him an "under-dog" complex. "This complex, call it 'under-dog' or what one likes, appears again and again in Johnson's life," (p. xv). With a start like this, imagine what Mr. Harvey O'Higgins and Dr. Walter Reed, had they seen fit to include Andrew Johnson in their *American Mind in Action,* would have done with him! All his comings in and goings out, his standings up and sittings down, what he said and left unsaid, his sins of omission and commission, would have been explained in terms of this complex. Except, of course, some place must have been found for his *libido!* Maybe his occasional weakness for rum was merely a transference or sublimation of a real weakness for women.

Fortunately for the historical value of his biography, Judge Winston after employing the word "complex" two or three times in his introduction, omits any further reference to it. For full well must he know after a long life spent in much reading of history and observation of his contemporaries, that more often than not the most insufferable snobs are men or women whose antecedents and early environment were not unlike those of Andrew Johnson; that Shakespeare was a better student of human character than Mr. O'Higgin and Doctor Reed, when long ago he wrote:

> "But 'tis a common proof
> That lowliness is young Ambition's ladder,
> Where to the climber-upward turns his face;
> But when he once attains the upmost round,
> He then unto the ladder turns his back,
> Looks in the clouds, scorning the base degrees
> By which he did ascend."

In Judge Winston's opinion, Andrew Johnson was an exception to the Shakespearian rule. No doubt he was. And yet one may well wonder what Johnson's attitude would have been toward the southern aristocracy on the one hand and the "mud-sills" of society on the other, had he remained permanently in South Carolina whence he fled from his Raleigh master when he was sixteen years of age. Or suppose when he was eighteen and moved to Greenville in East Tennessee—a region where, so to speak, all the sills were mud-sills, instead of stopping there permanently he had eventually turned his steps southward into the large plantation regions of

Alabama. Given the fact—and I think it is a fact—that he was abnormally ambitious of political perferment and that he had the inherent capacity to realize that ambition wherever he might have been, I believe that in South Carolina or Alabama he would have become, in his way, of course, a Rhett or a Yancey—his bitter opponents before the war. Or what is equally possible, had he turned northward from Greenville into Ohio or Michigan, I can see him becoming a Ben Wade or Zach Chandler—his bitter opponents after the war. In either case, he would not have been troubled with an "under-dog" complex nor would he have been much concerned with the "mud-sills" of society. For had he become a Rhett or a Yancey he would have been subservient to the interests of an arrogant if somewhat senile cotton capitalism, while had he become a Wade or a Chandler he would have been equally subservient to the interests of a buoyant if somewhat juvenile industrial capitalism.

Lest the speculating in the foregoing be regarded as idle and of the merest moonshine, let us examine briefly some phases of Andrew Johnson's career as President of the United States. To what interests did he look for support in his reconstruction policy, in his foreign policy and in the financial policy which he permitted his banker Secretary of Treasury, McCullough, to pursue unhampered in 1865 and 1866? First, the reconstruction policy. Had it been successful, would it not have made the old Whig leaders of the South with unionist leaning his firm friends forever? Did it not appeal to the eastern commercial interests who desired a quick re-adustment so that relations might be promptly resumed with their erstwhile customers? If not, how explain the cordial support given it by such metropolitan dailies as *The Times, The World, The Herald,* and *The Sun?* It is true that the two former were sowewhat influenced by the exigencies of politics, but the same cannot be said of the two latter. What of the foreign policy? The purchase of Alaska, the stern insistence upon French evacuation of Mexico, Seward's scheme to obtain St. Thomas and the strategic position commanding the Antilles, the unsympathetic attitude toward Fenianism, the Johnson-Clarendon treaty—whose interests were primarily subserved in all these? Was it not those of the eastern commercial and financial classes? Mr. McCullough's financial policy may be stated in three words, tax-reduction, re-

trenchment, deflation—a policy not unlike that which in these later days has worked the miracle of transubstantiating a Mellon into the very body and blood of a god, at least in the eyes of vested interests in general and bankers in particular. Did these policies redound to the benefit of the mud-sills, the under-dogs? Call into being the embattled Greenback and Populist and Free Silver farmers of the '70's and '90's and ask them.

No, the truth is that Andrew Johnson in 1865-6 cherised the dream of a great Conservative, Constitutional Union Party which would appeal to vested interests everywhere. Even in 1867-8 he did not entirely lose hopes of its fulfillment. And well might it have been fulfilled had the dream not been rudely shattered by the loud barking of the dogs of passion, hate and sectional prejudice—dogs, which as Nemesis would have it, Andrew Johnson had done his full share to unleash.

A distinguished historian has called this book an "adequate biography." (William E. Dodd in the *New Republic,* July 11, 1928.) *Adequate* perhaps, but hardly *definitive.* It is a valuable book and I find myself in rather full accord with most of Judge Winston's conclusions. If he is comtemplating a second revised edition, I shall be glad to assist him in correcting a number of minor but unfortunate errors which space does not permit of enumeration here.

BENJ. B. KENDRICK.

NORTH CAROLINA COLLEGE FOR WOMEN.

A HISTORY OF NORTH CAROLINA IN THE WAR BETWEEN THE STATES, VOLUMES I AND II, BETHEL TO SHARPSBURG. By Daniel Harvey Hill. (Raleigh: Edwards & Broughton Company. 1926. Pp. xvi, 436, 457. $7.50.)

The history of the American Peloponesian war remains the one tragic subject in American history. First and last, thousands of men have endeavored to explain it or to present the story of personal or state contributions to the whole. The literature of the subject is "appalling," as Henry Adams is said to have remarked when he contemplated the great accumulations of historical documents in Washington. But there was no other way. The narrow escape of the greatest of all nations, now but beginning its course as a part of the world procession, from disruption is now and must ever remain a subject of transcendent interest. In addition to

this historic interest of all informed men, there is the semi-religious interest of many whose fathers or families won everlasting fame or lost their all in the fight. President Hill was one of those who felt the latter interest, a high-minded man and scholar who never in his life escaped the poignant grief and sorrow that the South had lost. Nor would his friends have had him, the son of so great a general as D. H. Hill, feel or think otherwise. Well does the reviewer recall the bitter comment of Doctor Hill on the appearance of Gen. E. P. Alexander's well-known *Military Memoir*: It should never have been written.

Yet the mellowing effects of the years and the strange tonic of the great war enabled the author to work out during the last years of his useful life these exceedingly valuable and poised volumes; and the loyalty and fellow feeling of the late R. H. Ricks, of Rocky Mount, and the devoted J. Bryan Grimes, of Raleigh, eased the way of this work by their liberal financial and moral support. After a careful reading of these balanced chapters any historian will say heartily: "well done." To be sure, the work is only half what it was designed to be. After an able and just statement of the problem of secession in North Carolina by Prof. J. G. de Roulhac Hamilton, the work begins with an account of the battle of Bethel and closes with the story of the great drawn conflict at Antietam, Sharpsburg, as Doctor Hill prefers to call it. That is hardly half the story, but it is the half, as I read the pages, which the son of General Hill would have preferred to write.

The chapters which treat of the early brushes of the ill-prepared soldiers of the two sections at Bethel, at Alexandria and Manassas; the toilsome preparations of the winter of 1861 and 1862, the breath-taking conflict around Richmond in 1862, the hot and bloody conflict at second Manassas and the rapid rise in the heat and dust of the summer of 1862 of the great figures of Lee, Jackson, the Hills and Longstreet, are all fair, well-written and as complete as one might wish. The sources of information have been studied painstakingly and the controversial writings have been drawn upon, although without so much as a word about the rivalries and animosities which motivated so many of them. For Hill it was unseemly that any southerner should ever call in question another southerner who played a great role in that drama.

And, since there is so much that can never be known, he may be right; right or wise?

Of the more ragged edges of the story, the occupation of eastern North Carolina, the governorship of poor Edward Stanly and the marvelous blockade running through Wilmington these volumes say more and say it better than any other authorities I know. Here too, as in the military rivalries on the great stage of Virginia, the author observes his strict personal neutrality. He does not condemn Stanly, a North Carolinian brought back from California to set up a Union government in New Bern. Nor does he intimate that Governor Vance came into any conflict with Jefferson Davis or Robert E. Lee about the lively trade along the coast of the state. Perhaps these subjects were left to be treated more fully in the volumes that were to follow. Edward Stanly, at loggerheads with pretty nearly all the North Carolinians with whom he had thought to make friends, quarrelling with his military superior and wrangling with the burly Stanton in Washington, rather piques the historian who would like to know more of him.

Of two great moments in Confederate history the reviewer would like to say a word and state a query. When Lee succeeded Joseph E. Johnston in June, 1862, McClellan's vast army lay within a few miles of Richmond. Mrs. Davis had abandoned Richmond, and Davis lived in hourly dread of a great Union victory. Lee gathered around Richmond about eighty-six thousand men. McCellan had one hundred and five thousand. There must be one heroic drive from the Confederate side. Lee planned it. He called Stonewall Jackson from the valley of Virginia to counsel with himself, the Hills and Longstreet. Jackson was asked what day he could have all his men ready to start a move from Ashland along a high, dry ridge toward White House, Lee's home and McClellan's base, on the lower Pamunkey. If Jackson performed that task promptly, McClellan would be cut off from his supplies and the two Hills, Longstreet and Hugar would so entangle the Union army in the vast and almost impenetrable White Oak swamp and along the winding and treacherous Chickahominy river that every regiment would be compelled to surrender: perhaps a complete and final Confederate victory.

Jackson, the swift, set himself June 25 at nine o'clock a. m. Lee thought it would be better to allow another day. Jackson accepted

the additional day when time was perilous indeed. Then Jackson did not appear in the morning of the 26th. He came in so late on that day that A. P. Hill felt compelled to begin the great fight, lest McClellan take the initiative and ruin the scheme. Jackson failed. Hill does not state the case or explain it. Again when, on the 29th of June, Lee still had the chance to accomplish his purpose, the Union army retreating to its new base on the James River, Jackson remained idle pretty nearly the whole day. A second failure of one of the greatest of generals. Every military critic of the war has studied this problem and wondered at the two lapses, lapses which, as nearly all think, defeated Lee's plan. Of course this is military history and criticism and a history of North Carolina's participation in that conflict might omit this. But North Carolinians, including Gen. D. H. Hill, were fatally involved. If nothing new can be added, it might be well, as it would be interesting, to have the matter stated so that all might know the facts. That is what Alexander worried about.

And when Lee in the early days of September, 1862, moved into Maryland, the Union army beaten, dispirited, disorganized and scattered along both sides of the Potomac from Rockville, Maryland, to Alexandria, there was another great moment. Lee crossed the Potomac east of Harpers Ferry in order to frighten Lincoln into thinking that the Confederate would attack the capital. He held a counsel of war at Frederick, Maryland, on September 9. The most careful and specific orders were issued that day or the next to his generals. It was order 191. The plan was to cross the South Mountain west of Frederick, deploy to Boonsboro, to Hagerstown on the right and to Harpers Ferry on the left, the three divisions of the Conferedate army separated from each other by distances of from ten to twenty-five miles. It was as bold a move as that by which Lee had won the battle of second Manassas; and it must, under the known circumstances, have given Lee another victory and almost certainly the fall of Washington.

Here again something happened. The copy of Lee's secret order intended for Gen. D. H. Hill was found a day or two later on the ground where Hill's men had camped. A fatal thing. Rhodes and others have said that Hill wrapped his cigars in the copy of order 191. The man who found the tell-tale document hurried to McClellan. It told McClellan everything he needed to know. Doctor

Hill shows that McClellan already had information to the same effect. But the news, as all the records show, was so confusing, a part of Lee's game, that only the "lost dispatch" made McClellan certain. Lee's plan of campaign had suddenly to be changed; and the battle of Antietam was fought and lost under terrible handicaps on September 17, lost in so far as Maryland and the fall of Washington were concerned. A critical moment indeed in the heroic struggle, thousands of North Carolinians engaged.

Here again a history of North Carolina's participation in the war may simply state the facts, even the fact of the loss of order 191. And Doctor Hill does state the facts; and, in addition, he shows that General Hill had a copy of his orders, in Jackson's handwriting, in his possession at the time of his death. This is taken to show that Hill could not have lost the order. Perhaps so. Gen. Frederic Maurice, in his recent critical history of that campaign, accepts Rhodes' view that somehow or other Hill lost the dispatch. I have been unable to take another view. Of course it was not an intentional act. It was like so many other things in that war: a tragic indiscretion, a little thing that lost the South a great victory.

These two notes have been struck in this review not to disparage a good book, for these volumes are most valuable and apt to be used with profit for years to come; but to raise the question of history and the historical method. Does the reader wish merely the facts? Must he also have the reasons for them?

WILLIAM E. DODD.

UNIVERSITY OF CHICAGO.

BOOKS RECEIVED

Economic Bases of Disunion in South Carolina. By John G. Van Deusen. (New York: Columbia University Press. 1928. Pp. 360. $6.00.)

Letters of Members of the Continental Congress. Edited by Edmund C. Burnett. Volume IV. (Washington: Carnegie Institution of Washington. 1928. Pp. lxvi, 581.)

The John Askin Papers, Volume I: 1747-1795. Edited by Milo M. Quaife. (Detroit: Detroit Library Commission. 1928. Pp. 657.)

Geological Reports of Douglass Houghton, First State Geologist of Michigan, 1837-1845. Edited by George N. Fuller. (Lansing: The Michigan Historical Commission. 1928. Pp. 700.)

HISTORICAL NEWS

The North Carolina Historical Commission receives requests for early numbers of the *North Carolina Manual, Proceedings of the State Literary and Historical Association, The North Carolina Booklet,* and the *North Carolina Day Program.* These publications are out of print. Anyone possessing duplicates is requested to send them to A. R. Newsome, Secretary of The North Carolina Historical Commission, Raleigh, N. C. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in the collections of libraries and students.

Back numbers of *The North Carolina Historical Review* may be secured from the Secretary of the North Carolina Historical Commission at the regular price of $2.00 per volume or 50 cents per number.

Mr. F. M. Clonts, who spent last year in graduate study at Yale University, has returned to Wake Forest College as assistant professor of history.

Miss Isabel Ferguson, of Waynesville and an M.A. graduate of Chicago University, is a new member of the history faculty of North Carolina College for Women, supplying for Miss Bernice Draper who is on leave for a year pursuing graduate work at the University of Wisconsin.

Dr. Archibald Henderson is the author of articles in the Sunday editions of the Raleigh *News and Observer* and other state papers, as follows: James Boyd, May 27; John Bailey, Teacher of Law, June 17; Col. William Henderson, July 8; and Hardy Bryan Croom, Botanist, July 15.

Professors C. C. Pearson and Cary Johnson, Jr., of Wake Forest College, taught in both terms of the summer school at the University of Virginia, where Mr. Johnson has accepted a regular position as assistant professor of history.

The accessions to the manuscript collections of the North Carolina Historical Commission for the months of June and July include photographic copies of thirty maps relating to seventeenth and eighteenth century North Carolina from the large collection secured recently by Prof. Louis C. Karpinski, of the University of Michigan, from the archives of France and Spain; a volume of records of court martials in Northampton County, 1824-50; 170 pages of transcripts and forty-one photostats of records relating to eighteenth century North Carolina from the London Public Record Office; two Gaston Henry Wilder papers; twelve Yadkin County marriage bonds; 30,000 pieces of Onslow County Court Papers, 1772-1857; 28,000 pieces of Legislative Papers, 1791-1901; William Hill Papers, 1810-1820, 158 pieces; tax lists of Anson, Brunswick, Edgecombe, Northampton, and Pitt counties, 1813-15; and land records of Iredell, Jackson, Jones, Johnston, Watauga, Wayne, Wilkes, and Wake Counties, 1795-1897, 592 pieces.

Messrs. George R. Sherrill and C. G. Moss taught in the Wake Forest summer school. Mr. Sherrill has gone to Clemson College as assistant professor of history, and Mr. Moss has returned to Yale University for a year's graduate work. Mr. Carl P. West is an instructor in the Wake Forest history department this year.

On June 19, a bronze tablet was unveiled on the court house square at Plymouth, commemorating the victory of Brigadier General Robert F. Hoke in the capture of Plymouth from the military forces of the United States, April 17-20, 1864, and also the "Albemarle" which participated in the battle and was destroyed on October 27 at the wharf in Plymouth by Lieut. W. B. Cushing, U.S.N. The marker was erected by the Plymouth Chamber of Commerce. Mr. Josephus Daniels delivered the chief address at the unveiling exercises.

CONTRIBUTORS TO THIS ISSUE

Miss Grace King is a former secretary of the Louisiana Historical Society and a member of the Advisory Editorial Board of The Louisiana Historical Quarterly.

Dr. Guion Griffis Johnson is Research Associate in the Institute for Research in Social Science in the University of North Carolina.

Dr. Marguerite Bartlett Hamer is an assistant professor of history in the University of Tennessee.

Mr. A. R. Newsome is Secretary of The North Carolina Historical Commission.

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